



भारत का राजपत्र

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No. 35]

NEW DELHI, AUGUST 24—AUGUST 30, 2008, SATURDAY/BHADRA 2—BHADRA 8, 1930

इस भाग में खिंच पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

**Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)**

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2403.—केन्द्रीय सरकार द्वंद प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 25 की उप-धारा (iक) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित अधिवक्ताओं, अर्थात्—

- (i) श्री राजेश देसाई, अधिवक्ता, मुंबई, और
- (ii) श्री एन. नटराजन, अधिवक्ता, मुंबई

की वृहत्तर मुंबई में महानगर मजिस्ट्रेट न्यायालयों और विशेष न्यायालयों में भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय या अपनी पदीय हैसियत में कार्यरत केन्द्रीय सरकार के विभाग के किसी अधिकारी द्वारा या उसके विरुद्ध सभी दाँड़िक मामलों का संचालन करने के प्रयोजन के लिए, इस शर्त के अध्यधीन कि ऊपर उल्लिखित अधिवक्ता केन्द्रीय सरकार या केन्द्रीय सरकार के किसी अधिकारी या केन्द्रीय सरकार के किसी विभाग के विरुद्ध किसी दाँड़िक मामले में वृहत्तर मुंबई में किसी महानगर न्यायालय और किसी विशेष न्यायालय में उपसंजात नहीं होंगे 21 जून, 2008 से एक वर्ष की अवधि के लिए या अगले आदेश होने तक, इनमें से जो भी पहले हो, सहायक लोक अभियोजक के रूप में नियुक्ति की अवधि का विस्तार करती है।

[फा. सं. 23(3)/2008-न्यायिक]

एम.ए. खान युसुफी, संयुक्त सचिव और विधि सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 21st August, 2008

S.O. 2403.—In exercise of the powers conferred by sub-section (1A) of section 25 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby extends the terms of appointment of following advocates :—

- (i) Shri Rajesh Desai, Advocate, Mumbai, and
- (ii) Shri N. Natarajan, Advocate, Mumbai

as Assistant Public Prosecutors for the purpose of conducting all criminal cases by or against the Union of India or any Department or Office of the Central Government or any officer of the Central Government Department acting in his official capacity in the Metropolitan Magistrate Courts and Special Courts in Greater Mumbai with effect from the 21st day of June, 2008 for a period of one year or until further orders, whichever is earlier, subject to the condition that the above mentioned advocates shall not appear in any criminal case in any Metropolitan Magistrate Court and Special Court in Greater Mumbai against the Central Government or any officer of the Central Government or against any Department of the Central Government.

[F. No. 23(3)/2008-Judl.]

M.A. KHAN YUSIFI, Jt. Secy. and Legal Adviser

कार्यिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2404.—केन्द्र सरकार दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का एक्ट नं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा निम्नलिखित अपराधों तथा अपराधों की श्रेणियों, जो दिल्ली विशेष स्थापना द्वारा अन्वेषित किए जाने हैं, को विनिर्दिष्ट करती है, अर्थात्—

- (क) भारतीय दण्ड संहिता, 1860 (1860 का एक्ट नं. 25) की धारा 217 के अन्तर्गत दण्डनीय अपराध है;
- (ख) उपर्युक्त अपराधों में से एक अथवा अधिक अपराध अथवा उसी प्रकार के संबंधवाहक के दौरान किया गया/किए गए अथवा ऐसे ही तथ्यों से उत्पन्न होने वाले किसी अन्य अपराध या अपराध से संबंधित अथवा जुड़े हुए प्रयत्न, दुष्प्रेरणा और घटयंत्र।

[फा. सं. 228/68/2008-ए वी डी-II]

चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 21st August, 2008

S.O. 2404.—In exercise of the powers conferred by section (3) of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences and classes of offences which are to be investigated by the Delhi Special Establishment namely:—

- (a) Offences punishable under section 217 of the Indian Penal Code, 1860 (Act No. 25 of 1860);
- (b) Attempts, abettments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/68/2008-AVD-II]
CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2405.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषित करती है कि उक्त अधिनियम की धारा 13 के प्रावधान, दफैदरल बैंक लिमिटेड द्वारा दिसम्बर, 2007-जनवरी, 2008 में निकाले गए 8.57 करोड़ रुपये के राइट्स इश्यू के संबंध में, इस बैंक पर लागू नहीं होंगे।

[फा. सं. 13/2/2008-बी ओ ए]

डी. डी. माहेश्वरी, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 21st August, 2008

S.O. 2405.—In exercise of the powers conferred by Section 53(1) of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of Reserve Bank of India, hereby declares that the provisions of Section 13 of the said Act, shall not apply to the Federal Bank Ltd. with regard to its Rights Issue of 8.57 crore equity shares brought out in December, 2007-January, 2008.

[F. No. 13/2/2008-BOA]

D.D. MAHESHWARI, Under Secy.

नई दिल्ली, 25 अगस्त, 2008

का.आ. 2406.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषित करती है कि बैंककारी विनियमन अधिनियम, 1949 की धारा 19(2)के उपबंध 1-10-2004 से पांच वर्ष की अवधि के लिए पूर्ववर्ती आईडीबीआई लिमिटेड अथवा आईडीबीआई बैंक लिमिटेड, जैसा भी मामला हो, पर लागू नहीं होंगे।

[फा. सं. 7/72/2008-बी ओ ए]

डी.डी. माहेश्वरी, अवर सचिव

New Delhi, the 25th August, 2008

S.O. 2406.—In exercise of the powers conferred by Section 53(1) of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of Reserve Bank of India, hereby declares that the provisions of Section 19(2) of the Banking Regulation Act, 1949 shall not apply to the erstwhile IDBI Ltd. or the IDBI Bank Ltd. as the case may be, for a period of five years w.e.f. 1-10-2004.

[F. No. 7/72/2008-BOA]

D. D. MAHESHWARI, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 31 जुलाई, 2008

का.आ. 2407.—संयुक्त राष्ट्र (विशेषाधिकार और उन्मुक्तियाँ) अधिनियम, 1947 (1947 का 46) (जिसे इसके बाद अधिनियम कहा गया है) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की अनुसूची के अनुच्छेद-I की धारा 1, अनुच्छेद-II की धारा 2 से 7, अनुच्छेद-III की धारा 9 और 10, अनुच्छेद-IV की धारा 11, अनुच्छेद-V की धारा 18, 20 और 21, अनुच्छेद-VI की धारा 22 और 23 के प्रावधान आवश्यक परिवर्तन सहित 23 जनवरी, 2005 को हस्ताक्षर किए गए वैश्विक विकास नेटवर्क की स्थापना संबंधी करार द्वारा स्थापित “वैश्विक विकास नेटवर्क” (जिसे इसके बाद जीडीएन कहा गया है) पर निम्नलिखित उपान्तरों के अध्यधीन लागू होंगे, अर्थात् :

- (क) अधिनियम में “संयुक्त राष्ट्र”, “परिसर” “महासचिव”, “पदाधिकारी”, “सदस्यों के प्रतिनिधि”, और “सुरक्षा परिषद” अभिव्यक्तियों के स्थान पर क्रमशः “वैश्विक

- विकास नेटवर्क" या "जीडीएन", "मुख्यालय स्थल" "अधिक्ष" "जीडीएन का स्टॉफ" "हस्ताक्षरकर्ता राज्यों और अंतरराष्ट्रीय संगठनों के प्रतिनिधि या निदेशक" और "निदेशक मंडल" अभिव्यक्तियां प्रतिस्थापित की जाएंगी।
- (ख) जहां तक जीडीएन को प्रदान की जा रही अनतिक्रम्यता, उन्मुक्तियों और विशेषाधिकार का संबंध है, यह समझा जाता है कि मुख्यालय स्थल के भीतर जब तक कि इस अधिसूचना द्वारा अन्यथा व्यवस्था न की गई हो या भारत सरकार द्वारा अन्यथा सहमति न दी गई हो, भारत के कानून लागू होंगे।
- (ग) अनुच्छेद-IV की धारा 11 के अन्तर्गत उन्मुक्तियों, विशेषाधिकार और सुविधाओं का जीडीएन सभा में किसी प्रतिनिधि या किसी निदेशक के किसी भी पृथक् मामले में हस्ताक्षरकर्ता राज्य की सरकार या हस्ताक्षरकर्ता अंतरराष्ट्रीय संगठन द्वारा, जैसा भी उचित हो, अधित्याग किया जा सकता है और अनुच्छेद-IV की धारा 11 की उपधारा (च) और (छ) के अन्तर्गत प्रदत्त विशेषाधिकार और उन्मुक्तियां भारतीय नागरिकों अथवा जीडीएन द्वारा अपने मुख्यालय स्थल पर सरकारी कार्य के लिए आमंत्रित किए गए व्यक्तियों के संबंध में लागू नहीं होंगी।
- (घ) जीडीएन के ऐसे स्टॉफ, जो भारतीय नागरिक हैं, के संबंध में केवल अनुच्छेद-V की धारा 18(क) लागू होगी।
- (ङ) जीडीएन के ऐसे स्टॉफ, जो भारतीय नागरिक नहीं हैं, भारत में अपने पद पर पहली बार पदभार ग्रहण करने के बाद एक वर्ष की अवधि के भीतर अपने फर्नीचर, उपकरणों और अन्य वस्तुओं को सीमा शुल्क, कर और अन्य उगाहियों के बारे और निषेध और प्रतिबंध के बारे लाने का अधिकार रखेंगे। यदि पहले लाई गई वस्तुओं को बेचा जाना, तिकातना या हस्तांतरण किया जाना है तो ऐसा सरकार और जीडीएन के बीच स्थापित प्रक्रिया के अनुसार किया जाएगा।
- (च) जीडीएन के ऐसे स्टॉफ, जो भारतीय नागरिक नहीं हैं, को अपने निजी उपयोग और उपभोग के लिए न कि उपहार या विक्रय के लिए समुचित मात्रा में खाद्य पदार्थ और अन्य वस्तुएं सीमा शुल्क, कर या अन्य उगाहियों के बारे और आयात पर लगे निषेधों या प्रतिबंधों के बारे सरकार और जीडीएन के बीच स्थापित प्रक्रिया के अनुसार लाने का अधिकार होगा।
- (छ) यदि किसी कार्यवाही में, कोई प्रश्न उठता है कि क्या कोई व्यक्ति अधिसूचना के अंतर्गत किन्हीं विशेषाधिकारों या उन्मुक्तियों के लिए अधिकृत है अथवा नहीं तो विदेश मंत्रालय में भारत सरकार के सचिव द्वारा ये उनके प्राधिकार के तहत जारी प्रमाण-पत्र जिसमें प्रश्न से संबंधित किसी तथ्य के बारे में कहा गया हो उस तथ्य का अंतिम साक्ष्य माना जाएगा; और

(ज) यह अधिनियम जीडीएन, उसके स्टॉफ या प्रतिनिधियों के स्वामित्व में या उनके द्वारा संचालित वाहनों के संबंध में हुई दुर्घटनाओं या यातायात संबंधी अपराधों पर लागू नहीं होगा।

[सं. डी-11/451/16(01)/2008]

सुनील लाल, संयुक्त सचिव

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 31st July, 2008

S.O. 2407.—In exercise of the powers conferred by Section 3 of the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947) (hereinafter the Act), the Central Government hereby declares that the provisions of Section 1 of Article I, Section 2 to Section 7 of Article II, Sections 9 and 10 of Article III, Section 11 of Article IV, Sections 18, 20 and 21 of Article V, Sections 22 and 23 of Article VI, of the Schedule to the said Act shall apply, mutatis, mutandis, to the "Global Development Network" (hereinafter GDN) established by the Agreement Establishing the Global Development Network signed on January 23, 2005 subject to the following modifications, namely:—

- (A) The expressions "United Nations", "premises", "Secretary-General", "officials", "Representatives of Members" and "Security Council" in the Act shall be substituted by the expressions "Global Development Network" or "GDN", "Headquarters Seat", "President", "staff of GDN", "Representatives of Signatory States and International Organisations or Directors" and "Board of Directors", respectively.
- (B) As regards in violability, immunities and privileges being conferred on GDN, it is understood that the laws of India shall apply within the Headquarters Seat, except as otherwise provided in this Notification or otherwise agreed by the Government of India.
- (C) Immunities, privileges and facilities under of Section 11 of Article IV can be waived in any individual case in regard to a Representative in the GDN Assembly or a Director by the government of the Signatory State or Signatory International Organisation, as appropriate and privileges and immunities under sub-sections (f) and (g) of Section 11 of Article IV shall not be applicable to the Indian citizens or to the persons invited by GDN to its Headquarters Seat on official business;
- (D) In respect of staff of GDN, who are Indian citizens, only Section 18(a) of Article V is applicable;
- (E) Staff of GDN, other than Indian citizens, have the right to import, free of duty, taxes and other levies, and without prohibitions and restrictions on imports, their furniture, appliances and other

effects within a period of one year after first taking up their post in India. If the previously imported articles are to be sold, conveyed or transferred, it shall be done in accordance with procedures to be established between the Government and GDN;

- (F) Staff of GDN, other than Indian citizens, have the right to import, free of duty, taxes and other levies, and without prohibitions and restrictions on imports, reasonable quantities of foodstuff and other articles for personal use and consumption and not for gift or sale, in accordance with procedures to be established between the Government and GDN;
- (G) If, in any proceedings, any question arises whether or not any person is entitled to any privileges or immunity under this Notification, a certificate issued by or under the authority of the Secretary to the Government of India in the Ministry of External Affairs stating any fact relating to that question shall be conclusive evidence of that fact; and
- (H) The Act shall not apply to accidents or traffic offences involving vehicles owned or operated by GDN, its staff or Representatives.

[No.D-11/451/16(01)/2008]
SUNIL LAL, Jt. Secy.

(सो पी बी प्रभाग)

नई दिल्ली, 12 अगस्त, 2008

का.आ. 2408.—राजनयिक कौसली अधिकारी (शपथ एवं शुल्क) अधिनियम 1948 (1948 का 41वा) के 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौसलावास, होचि मिन्ह सिटी (वियतनाम) में श्री एम. डी. डोमिनिक, वैक्तिक सहायक की 12-8-2008 से सहायक कौसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/01/2006]

प्रीतम लाल, अवर सचिव (कौसल)

(CPV Division)

New Delhi, the 12th August, 2008

S.O. 2408.—In pursuance of the clause (ii) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 the Central Government hereby authorizes Shri M.D. Domini (Personal Assistant to perform the duties of Assistant Consular Officer in the Consulate General of India, Ho Chi Minh City (Vietnam).

[No. T. 4330/1/2006]
PRITAM LAL, Under Secy. (Consular)

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 11 अगस्त, 2008

का.आ. 2409.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) (क) के उपबंध के अनुसरण में हिमाचल प्रदेश राज्य सरकार से परामर्श करने के बाद डा. एल. एस. पाल को दिनांक 6-12-2004 से भारतीय आयुर्विज्ञान परिषद् के एक सदस्य के रूप में मनोनीत किया गया था।

भारतीय आयुर्विज्ञान परिषद् ने सूचित किया है कि डा. एल. एस. पाल जो भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 की धारा 3 (1) (क) के अन्तर्गत हिमाचल प्रदेश सरकार का प्रतिनिधित्व कर रहे हैं, ने अपनी अनुपस्थिति के बारे में कोई मौखिक/लिखित सूचना दिये बारे दिनांक 18-2-2006, 10-3-2007 और 16-11-2007 को आयोजित परिषद् की लगातार 3 सामान्य निकाय बैठकों में भाग नहीं लिया था। अतः हिमाचल प्रदेश सरकार का प्रतिनिधित्व करने वाले डा. एल. एस. पाल की भारतीय आयुर्विज्ञान परिषद् की सदस्यता समाप्त हो गई है।

इसलिए अब उक्त अधिनियम की धारा 7 की उपधारा (3) के उपबंध के अनुसरण में हिमाचल प्रदेश सरकार का प्रतिनिधित्व करने वाले डा. एल. एस. पाल की भारतीय आयुर्विज्ञान परिषद् की सदस्यता को इस अधिसूचना के जारी होने की तारीख से समाप्त हुआ समझा जाएगा।

[सं. वी-11013/2/2007-एम ई (नीति-1)]

एस. के. गुप्ता, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 11th August, 2008

S.O. 2409—Whereas in pursuance of the provision of sub-section (1) (a) of Section 3 of the Indian Medical Act, 1956 (102 of 1956) Dr. L. S. Pal was nominated as a member of the Medical Council of India in consultation with the State Government of Himachal Pradesh with effect from 6-12-2004.

Whereas the Medical Council of India has informed that Dr. L.S. Pal who is representing Government of Himachal Pradesh under section 3(1)(a) of IMC Act, 1956 had not participated in three consecutive General Body Meetings of the Council held on 18-2-2006, 10-3-2007 and 16-11-2007 without any verbal/ written communication regarding his absence. Therefore, Dr. L.S. Pal has ceased to be a member of Medical Council of India representing Government of Himachal Pradesh.

Now therefore, pursuance of the provision of sub-section (3) of Section 7 of the said Act, Dr. L. S. Pal shall be deemed to have ceased to be a member of the Medical Council of India representing Government of Himachal Pradesh with effect from the date of issue of this notification.

[No. V-11013/2/2007-ME (Policy-1)]
S. K. GUPTA, Under Secy.

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 12 अगस्त, 2008

का.आ. 2410.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से भरामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “कालीकट विश्वविद्यालय” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तंभ (3) के रूप में संर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)	(3)
“डाक्टर ऑफ मेडिसिन (सामान्य चिकित्सा)”	एम.डी. (सामान्य चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह गवर्नरमेंट मेडिकल कॉलेज, थिस्सूर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में कालीकट विश्वविद्यालय द्वारा जून, 2007 में अथवा उसके बाद प्रदान की गई हो।
“मजिस्ट्रार चिरुरगिए (तंत्रिका शल्यचिकित्सा)”	एम.सी.एच. (तंत्रिका शल्य चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मेडिकल कॉलेज, कोट्टायम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में महात्मा गाँधी विश्वविद्यालय द्वारा जुलाई, 1995 में अथवा उसके बाद प्रदान की गई हो।)
“डाक्टर ऑफ मेडिसिन (हृदय रोग विज्ञान)”	एम.डी. (हृदय रोग विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मेडिकल कॉलेज, कोट्टायम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में महात्मा गाँधी विश्वविद्यालय द्वारा 1994 में अथवा उसके बाद प्रदान की गई हो।)
“डाक्टर ऑफ मेडिसिन (राजस्थान विश्वविद्यालय)”	(ग) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “राजस्थान विश्वविद्यालय” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तंभ (3) के रूप में संर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :—
“डाक्टर ऑफ मेडिसिन (मनश्चिकित्सा)”	एम.डी. (मनश्चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजस्थान विश्वविद्यालय द्वारा एस. पी. मेडिकल कॉलेज, बीकानेर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में अक्टूबर, 1993 में अथवा उसके बाद प्रदान की गई हो।)
“डाक्टर ऑफ मेडिसिन (संज्ञाहरण)”	एम.डी. (संज्ञाहरण) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजस्थान विश्वविद्यालय द्वारा सरकारी मेडिकल कॉलेज, कोटा में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में नवम्बर, 2007 में अथवा उसके बाद प्रदान की गई हो।)
“मास्टर ऑफ सर्जरी (कान, नाक, गला विज्ञान)”	एम.एस. (कान, नाक, गला विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजस्थान विश्वविद्यालय द्वारा सरकारी मेडिकल कॉलेज, कोटा में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून, 2007 में अथवा उसके बाद प्रदान की गई हो।)

(घ) शीर्षक "मान्यता प्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "पंजाब विश्वविद्यालय" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :—

"डाक्टर ऑफ मेडिसिन (भेषज विज्ञान)"

एम.डी. (भेषज विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह पंजाब विश्वविद्यालय द्वारा क्रिश्चियन मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1979 में अथवा उसके बाद प्रदान की गई हो)।

(ङ) शीर्षक "मान्यता प्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "बाबा फरीद यूनिवर्सिटी ऑफ हेल्थ साइंसेज, फरीदकोट" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :—

"डाक्टर ऑफ मेडिसिन (भेषज विज्ञान)"

एम.डी. (भेषज विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह बाबा फरीद यूनिवर्सिटी ऑफ हेल्थ साइंसेज, फरीदकोट मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1979 में अथवा उसके बाद प्रदान की गई हो)।

(च) शीर्षक "मान्यता प्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "पटना विश्वविद्यालय" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :—

"डाक्टर ऑफ मेडिसिन (मनोचिकित्सा)"

एम.डी. (मनोचिकित्सा)

(यह एक मान्यता प्राप्त चिकित्सा अर्हता होगी यदि यह पटना विश्वविद्यालय द्वारा पटना मेडिकल कालेज, पटना में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1941 में अथवा उसके बाद प्रदान की गई हो)।

(छ) शीर्षक "मान्यता प्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "संजय गाँधी पोस्टग्रेजुएट इंस्टीच्यूट ऑफ मेडिकल साइंसेज (सम विश्वविद्यालय), लखनऊ" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :—

"डाक्टर ऑफ मेडिसिन (मेडिकल जेनेटिक्स)"

एम.डी. (मेडिकल जेनेटिक्स)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह संजय गाँधी पोस्टग्रेजुएट इंस्टीच्यूट ऑफ मेडिकल साइंसेज (सम विश्वविद्यालय), लखनऊ द्वारा संजय गाँधी पोस्टग्रेजुएट इंस्टीट्यूट ऑफ मेडिकल साइंसेज, लखनऊ में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1992 में अथवा उसके बाद प्रदान की गई हो)।

(ज) शीर्षक "मान्यता प्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "गुवाहाटी विश्वविद्यालय" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :—

"डाक्टर ऑफ मेडिसिन (विकृति विज्ञान)"

एम.डी. (विकृति विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह गुवाहाटी विश्वविद्यालय द्वारा गुवाहाटी मेडिकल कॉलेज, गुवाहाटी में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1978 में अथवा उसके बाद प्रदान की गई हो)।

(झ) शीर्षक "मान्यता प्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "जम्मू विश्वविद्यालय" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :—

“डाक्टर ऑफ मेडिसिन (विकिरण निदान) ”

एम.डी. (विकिरण निदान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आचार्य श्री चंद्र कॉलेज ऑफ मेडिकल साइंसेज, जम्मू द्वारा जम्मू विश्वविद्यालय में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मई 2007 में अथवा उसके बाद प्रदान की गई हो)।

(ज) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “कश्मीर विश्वविद्यालय” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :—

“मास्टर ऑफ सर्जरी (अस्थि रोग विज्ञान) ”

एम. एस. (अस्थि रोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कश्मीर विश्वविद्यालय द्वारा गवर्नर्मेंट मेडिकल कॉलेज, श्रीनगर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1983 में अथवा उसके बाद प्रदान की गई हो)।

“डाक्टर ऑफ मेडिसिन (मनोचिकित्सा) ”

एम.डी. (मनोचिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कश्मीर विश्वविद्यालय द्वारा गवर्नर्मेंट मेडिकल कॉलेज, श्रीनगर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1984 में अथवा उसके बाद प्रदान की गई हो)।

[सं. यू-12012/54/2008-एम.ई. (पी-II) खंड I]

एन. बारिक, अवर सचिव

(Department of Health and Family Welfare)

New Delhi, the 12th August, 2008

S.O. 2410.—In exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule—

(a) against “Calicut University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (General Medicine)”	MD (General Medicine) (This shall be a recognized medical qualification when granted by Calicut University in respect of students being trained at Govt. Medical College, Thrissur on or after June, 2007).
“Magistrar Chirurgiae (Neurosurgery)”	MCH (Neurosurgery) (This shall be a recognized medical qualification when granted by Mahatma Gandhi University in respect of students being trained at Medical College, Kottayam on or after July, 1995).

(2)	(3)
“Doctor of Medicine (Cardiology)”	MD (Cardiology) (This shall be a recognized medical qualification when granted by Mahatma Gandhi University in respect of students being trained at Medical College, Kottayam on or after 1994).
(c) against “Rajasthan University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
“Doctor of Medicine (Psychiatry)”	MD (Psychiatry) (This shall be a recognized medical qualification when granted by Rajasthan University in respect of students being trained at S.P. Medical College, Bikaner on or after October, 1993).
“Doctor of Medicine (Anaesthesia)”	MD (Anaesthesia) (This shall be a recognized medical qualification when granted by Rajasthan University in respect of students being trained at Govt. Medical College, Kota on or after November, 2007).
“Master of Surgery (ENT)”	MS (ENT) (This shall be a recognized medical qualification when granted by Rajasthan University in respect of students being trained at Govt. Medical College, Kota on or after June, 2007).
(d) against “Punjab University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology) (This shall be a recognized medical qualification when granted by Punjab University in respect of students being trained at Christian Medical College, Ludhiana on or after 1979).
(e) against “Baba Farid University of Health Sciences, Faridkot”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology) (This shall be a recognized medical qualification when granted by Baba Farid University of Health Sciences, Faridkot in respect of students being trained at Christian Medical College, Ludhiana on or after 1979).
(f) against “Patna University” under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	
“Doctor of Medicine (Psychiatry)”	MD (Psychiatry) (This shall be a recognized medical qualification when granted by Patna University in respect of students being trained at Patna Medical College, Patna on or after 1941).
(g) against “Sanjay Gandhi Postgraduate Instt. of Medical Sciences (Deemed University), Lucknow”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—	

(2)

(3)

"Doctor of Medicine (Medical Genetics)"**MD (Medical Genetics)**

[This shall be a recognized medical qualification when granted by Sanjay Gandhi Postgraduate Instt. of Medical Sciences (Deemed University), Lucknow in respect of students being trained at Sanjay Gandhi Postgraduate Instt. of Medical Sciences, Lucknow on or after 1992].

(h) against "Guwahati University" under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Pathology)"**MD (Pathology)**

(This shall be a recognized medical qualification when granted by Guwahati University in respect of students being trained at Guwahati Medical College, Guwahati on or after 1978).

(i) against "Jammu University" under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Radio-diagnosis)"**MD (Radio-diagnosis)**

(This shall be a recognized medical qualification when granted by Jammu University in respect of students being trained at Acharya Shri Chander College of Medical Sciences, Jammu on or after May, 2007).

(j) against "Kashmir University" under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Master of Surgery (Orthopaedics)"**MS (Orthopaedics)**

(This shall be a recognized medical qualification when granted by Kashmir University in respect of students being trained at Govt. Medical College, Srinagar on or after 1983).

"Doctor of Medicine (Psychiatry)"**MD (Psychiatry)**

(This shall be a recognized medical qualification when granted by Kashmir University in respect of students being trained at Govt. Medical College, Srinagar on or after 1984).

[No. U-12012/54/2008-ME (P-II) VOL. I]

N. BARIK, Under Secy.

नई दिल्ली, 12 अगस्त, 2008

का.आ. 2411.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) "पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता" के सामने शीर्षक 'मान्यताप्राप्त चिकित्सा अर्हता' [इसके आगे स्तंभ (2) के रूप में संदर्भित] के अधीन अंतिम प्रविष्टि और उससे संबंधित प्रविष्टि के बाद शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके आगे स्तंभ (3) के रूप में संदर्भित] के अधीन निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

(2)

(3)

"डॉक्टर ऑफ मेडिसिन (विकृति विज्ञान)"**एम.डी. (विकृति विज्ञान)**

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी जिसे यह नार्थ बंगाल मेडिकल कालेज, दार्जिलिंग में प्रसिद्धि प्राप्त होगी जो सह अन्त्रों के संबंध में

(1)

(2)

“डाक्टर ऑफ मेडिसिन (विकिरण चिकित्सा) ”

पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता द्वारा अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो।)

एम.डी. (विकिरण चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मेडिकल कालेज, कोलकाता में प्रशिक्षित किए जा रहे छात्रों के संबंध में पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता द्वारा अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो।)

“डाक्टर ऑफ मेडिसिन (शरीर रचना विज्ञान) ”

एम.डी. (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आर.जी. कार मेडिकल कालेज, कोलकाता में प्रशिक्षित किए जा रहे छात्रों के संबंध में पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता द्वारा अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो।)

“मास्टर ऑफ सर्जरी (शरीर रचना विज्ञान) ”

एम. एस. (शरीर रचना विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आर.जी. कार मेडिकल कालेज, कोलकाता में प्रशिक्षित किए जा रहे छात्रों के संबंध में पश्चिम बंगाल स्वास्थ्य विज्ञान विश्वविद्यालय, कोलकाता द्वारा अप्रैल, 2007 में अथवा उसके बाद प्रदान की गई हो।)

(ख) “श्री वेंकटेश्वर विश्वविद्यालय, तिरुपति” के सामने शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके आगे स्तंभ (2) के रूप में संदर्भित] के अधीन अंतिम प्रविष्टि और उससे संबंधित प्रविष्टि के बाद शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके आगे स्तंभ (3) के रूप में संदर्भित] के अधीन निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

“डाक्टर ऑफ मेडिसिन (क्षयरोग एवं वक्ष रोग/क्षय रोग एवं श्वसनी रोग) ”

एम.डी. (क्षयरोग एवं वक्ष रोग/क्षय रोग एवं श्वसनी रोग)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कुर्नूल मेडिकल कालेज, कुर्नूल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में श्री वेंकटेश्वर विश्वविद्यालय, तिरुपति द्वारा 1995 में अथवा उसके बाद प्रदान की गई हो।)

क्षय रोग एवं वक्ष रोग में डिप्लोमा

डी.टी.सी.डी

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कुर्नूल मेडिकल कालेज, कुर्नूल में प्रशिक्षित किए जा रहे छात्रों के संबंध में श्री वेंकटेश्वर विश्वविद्यालय, तिरुपति द्वारा 1979 में अथवा उसके बाद प्रदान की गई हो।)

“डाक्टर ऑफ मेडिसिन (सामाजिक एवं निरोधक आयुर्विज्ञान) ”

एम.डी. (एस.पी.एम)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह एस.वी. मेडिकल कालेज, तिरुपति में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में श्री वेंकटेश्वर विश्वविद्यालय, तिरुपति द्वारा 1981 में अथवा उसके बाद प्रदान की गई हो।)

“जन स्वास्थ्य में डिप्लोमा”

डी.पी.एच

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह एस.वी. मेडिकल कालेज, तिरुपति में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में श्री वेंकटेश्वर विश्वविद्यालय, तिरुपति द्वारा 1980 में अथवा उसके बाद प्रदान की गई हो।)

(ग) “आंध्र प्रदेश स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा” के सामने शीर्षक ‘मान्यताप्राप्त चिकित्सा अर्हता’ [इसके आगे स्तंभ (2) के रूप में संदर्भित] के अधीन अंतिम प्रविष्टि और उससे संबंधित प्रविष्टि के बाद शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके आगे स्तंभ (3) के रूप में संदर्भित] के अधीन निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

(2)

(3)

"डाक्टर ऑफ मेडिसिन (क्षयरोग एवं वक्ष रोग एवं श्वसनी रोग)"	एम.डी. (क्षयरोग एवं वक्ष रोग/क्षय रोग एवं श्वसनी रोग) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कुर्नूल मेडिकल कालेज, कुर्नूल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में आंध्र प्रदेश स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा 1985 में अथवा उसके बाद प्रदान की गई हो।)
"क्षय रोग एवं वक्ष रोग में डिप्लोमा"	डी टी सी डी (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कुर्नूल मेडिकल कालेज, कुर्नूल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में आंध्र प्रदेश स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा 1979 में अथवा उसके बाद प्रदान की गई हो।)
"डाक्टर ऑफ मेडिसिन (सामाजिक एवं निरोधक आयुर्विज्ञान)"	एम.डी. (एस पी एम) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह एस.वी. मेडिकल कालेज, तिरुपति में प्रशिक्षित किए जा रहे छात्रों के संबंध में आंध्र प्रदेश स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा 1981 में अथवा उसके बाद प्रदान की गई हो।)
"जन स्वास्थ्य में डिप्लोमा"	डी पी एच (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह एस.वी. मेडिकल कालेज, तिरुपति में प्रशिक्षित किए जा रहे छात्रों के संबंध में आंध्र प्रदेश स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा 1980 में अथवा उसके बाद प्रदान की गई हो।)
"मास्टर ऑफ सर्जरी (सामान्य शल्य चिकित्सा)"	एम एस (सामान्य शल्य चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि गांधी मेडिकल कालेज, सिकंदराबाद में प्रशिक्षित किए जा रहे छात्रों के संबंध में आंध्र प्रदेश स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा प्रदान की गई हो।)
"डाक्टर ऑफ मेडिसिन (सामान्य काय चिकित्सा)"	एम डी (सामान्य काय चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि गांधी मेडिकल कालेज, हैदराबाद में प्रशिक्षित किए जा रहे छात्रों के संबंध में आंध्र प्रदेश स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा 1979 में अथवा उसके बाद प्रदान की गई हो।)
(घ) "एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा" के सामने शीर्षक 'मान्यताप्राप्त चिकित्सा अर्हता' [इसके आगे स्तंभ (2) के रूप में संदर्भित] के अधीन अंतिम प्रविष्टि और उससे संबंधित प्रविष्टि के बाद शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके आगे स्तंभ (3) के रूप में संदर्भित] के अधीन निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—	
"डाक्टर ऑफ मेडिसिन (क्षयरोग एवं वक्ष रोग/क्षय रोग एवं श्वसनी रोग)"	एम.डी. (क्षयरोग एवं वक्ष रोग/क्षय रोग एवं श्वसनी रोग) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कुर्नूल मेडिकल कालेज, कुर्नूल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा 1985 में अथवा उसके बाद प्रदान की गई हो।)
"क्षय रोग एवं वक्ष रोग में डिप्लोमा)"	डी टी सी डी (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह कुर्नूल मेडिकल कालेज, कुर्नूल में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा 1979 में अथवा उसके बाद प्रदान की गई हो।)
"डाक्टर ऑफ मेडिसिन (सामाजिक एवं निरोधक आयुर्विज्ञान)"	एम.डी. (एस पी एम)

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"जन स्वास्थ्य में डिप्लोमा"

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह एस.वी. मेडिकल कालेज, तिरुपति में प्रशिक्षित किए जा रहे छात्रों के संबंध में एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा 1981 में अथवा उसके बाद प्रदान की गई हो।)

"मास्टर ऑफ सर्जरी (सामान्य शल्य चिकित्सा)"

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह एस.वी. मेडिकल कालेज, तिरुपति में प्रशिक्षित किए जा रहे छात्रों के संबंध में एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा 1980 में अथवा उसके बाद प्रदान की गई हो।)

"क्षय रोगः एवं वक्ष रोग में डिप्लोमा"

एम स (सामान्य शल्य चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि गांधी मेडिकल कालेज, सिकंदराबाद में प्रशिक्षित किए जा रहे छात्रों के संबंध में एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा प्रदान की गई हो।)

"डॉक्टर ऑफ मेडिसिन (भेषज गुण विज्ञान)"

डी टी सी डी

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह ममता मेडिकल कालेज, खम्माम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा जून, 2007 में अथवा उसके बाद प्रदान की गई हो।)

एम. डी. (भेषज गुण विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह ममता मेडिकल कालेज, खम्माम में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा दिसम्बर, 2006 में अथवा उसके बाद प्रदान की गई हो।)

"शिशु स्वास्थ्य डिप्लोमा"

डी सी एच

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा कामिनेनी आयुर्विज्ञान संस्थान, नरकतपल्ली में प्रशिक्षित किए जा रहे छात्रों के संबंध में जून, 2007 में या उसके बाद प्रदान की गई हो।)

"मेत्र विज्ञान डिप्लोमा"

डी ओ

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा डक्कन कालेज ऑफ मेडिकल साइंसेज, हैदराबाद में प्रशिक्षित किए जा रहे छात्रों के संबंध में जून, 2007 में या उसके बाद प्रदान की गई हो।)

"डॉक्टर ऑफ मेडिसिन (संवेदनाहरण)"

एम डी (संवेदनाहरण)

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा डक्कन कालेज ऑफ मेडिकल साइंसेज, हैदराबाद में प्रशिक्षित किए जा रहे छात्रों के संबंध में जून, 2007 में या उसके बाद प्रदान की गई हो।)

"डॉक्टर ऑफ मेडिसिन (सामान्य कायचिकित्सा)"

एम डी (सामान्य कायचिकित्सा)

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह एन.टी.आर. स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा गांधी मेडिकल कालेज, हैदराबाद में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1979 में या उसके बाद प्रदान की गई हो।)

(ड) “उस्मानिया विश्वविद्यालय”, के सामने “मान्यताप्राप्त चिकित्सा अर्हता” (इसके पश्चात् स्तंभ (2) के रूप में संदर्भित) के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ (इसके पश्चात् स्तंभ (3) के रूप में संदर्भित) के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

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“डॉक्टर ऑफ मेडिसिन (सामान्य कायचिकित्सा)”	एम डी (सामान्य कायचिकित्सा) (यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह उस्मानिया विश्वविद्यालय, द्वारा गांधी मेडिकल कालेज, हैदराबाद में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1979 में या उसके बाद प्रदान की गई हो।)
(च) “मद्रास विश्वविद्यालय”, के सामने “मान्यताप्राप्त चिकित्सा अर्हता” (इसके पश्चात् स्तंभ (2) के रूप में संदर्भित) के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ (इसके पश्चात् स्तंभ (3) के रूप में संदर्भित) के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-	
“डॉक्टर ऑफ मेडिसिन (शरीर क्रिया विज्ञान)”	एम.डी. (शरीर क्रिया विज्ञान) (यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मद्रास विश्वविद्यालय, चेन्नई द्वारा किलपाक मेडिकल कालेज, चेन्नई में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1956 में या उसके बाद प्रदान की गई हो।)
“डॉक्टर ऑफ सर्जरी (आर्थोपेडिक्स) ”	एम एस (आर्थोपेडिक्स) (यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मद्रास विश्वविद्यालय, चेन्नई द्वारा किलपाक मेडिकल कालेज, चेन्नई में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1982 में या उसके बाद प्रदान की गई हो।)
“आर्थोपेडिक्स डिप्लोमा”	डी (आर्थोपेडिक्स) (यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मद्रास विश्वविद्यालय, चेन्नई द्वारा तिरुनेलवेली मेडिकल कालेज, तिरुनेलवेली में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1978 में या उसके बाद प्रदान की गई हो।)
“मास्टर ऑफ सर्जरी (सामान्य शल्य क्रिया) ”	एम एस (सामान्य शल्य क्रिया) (यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मद्रास विश्वविद्यालय, चेन्नई द्वारा तिरुनेलवेली मेडिकल कालेज, तिरुनेलवेली में प्रशिक्षित किए जा रहे छात्रों के संबंध में मार्च, 1983 में या उसके बाद प्रदान की गई हो।)
(छ) “दी तमिलनाडु डा. एम जी आर यूनिवर्सिटी, चेन्नई” के सामने “मान्यता प्राप्त चिकित्सा अर्हता” (इसके पश्चात् स्तंभ (2) के रूप में संदर्भित) के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ (इसके पश्चात् स्तंभ (3) के रूप में संदर्भित) के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-	
“डॉक्टर ऑफ मेडिसिन (शरीर क्रिया विज्ञान)”	एम.डी. (शरीर क्रिया विज्ञान) (यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह तमिलनाडु डा. एम जी आर यूनिवर्सिटी, चेन्नई द्वारा चेन्नई मेडिकल कालेज, चेन्नई में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1956 में या उसके बाद प्रदान की गई हो।)
“मास्टर ऑफ सर्जरी (आर्थोपेडिक्स) ”	एम एस (आर्थोपेडिक्स) (यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह तमिलनाडु डा. एम जी आर यूनिवर्सिटी, चेन्नई द्वारा किलपाक मेडिकल कालेज, चेन्नई में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1982 में या उसके बाद प्रदान की गई हो।)
“आर्थोपेडिक्स डिप्लोमा”	डी आर्थोपेडिक्स (यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह तमिलनाडु डा. एम जी आर यूनिवर्सिटी, चेन्नई द्वारा किलपाक मेडिकल कालेज, चेन्नई में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1978 में या उसके बाद प्रदान की गई हो।)

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"डाक्टर ऑफ मेडिसिन (मनश्चिकित्सा)"**एम डी (मनश्चिकित्सा)**

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह तमिलनाडु डा. एम जी आर यूनिवर्सिटी, चेन्नई द्वारा मदुरै मेडिकल कालेज, मदुरै में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1978 में या उसके बाद प्रदान की गई हो।)

"मास्टर ऑफ सर्जरी (जनरल सर्जरी)"**एम एस (जनरल सर्जरी)**

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह तमिलनाडु डा. एम जी आर यूनिवर्सिटी, चेन्नई द्वारा तिरुनेलवेली मेडिकल कालेज, तिरुनेलवेली में प्रशिक्षित किए जा रहे छात्रों के संबंध में मार्च, 1983 में या उसके बाद प्रदान की गई हो।)

"मजिस्ट्रार चिरुरगिया (जेनिटो-यूरिनरी-सर्जरी)"**एम. सी.एच (जेनिटो-यूरिनरी-सर्जरी)**

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह तमिलनाडु डा. एम जी आर यूनिवर्सिटी, चेन्नई द्वारा स्टेनले मेडिकल कालेज, चेन्नई में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2004 में या उसके बाद प्रदान की गई हो।)

(ज) "मदुरै विश्वविद्यालय" मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में संदर्भित] के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

"डाक्टर ऑफ मेडिसिन (मनश्चिकित्सा)"**एम.डी. (मनश्चिकित्सा)**

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मदुरै विश्वविद्यालय द्वारा मदुरै मेडिकल कालेज, मदुरै में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1978 में या उसके बाद प्रदान की गई हो।)

"मास्टर ऑफ सर्जरी (जनरल सर्जरी)"**एम एस (जनरल सर्जरी)**

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मदुरै विश्वविद्यालय द्वारा तिरुनेलवेली मेडिकल कालेज, तिरुनेलवेली में प्रशिक्षित किए जा रहे छात्रों के संबंध में मार्च, 1983 में या उसके बाद प्रदान की गई हो।)

(झ) "मदुरै कामराज विश्वविद्यालय" मान्यताप्राप्त चिकित्सा अर्हता इसके पश्चात् स्तंभ (2) के रूप में संदर्भित के अन्तर्गत अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)

(3)

"डाक्टर ऑफ मेडिसिन (मनश्चिकित्सा)"**एम डी (मनश्चिकित्सा)**

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मदुरै कामराज विश्वविद्यालय द्वारा मदुरै मेडिकल कालेज, मदुरै में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1978 में या उसके बाद प्रदान की गई हो।)

"मास्टर ऑफ सर्जरी (जनरल सर्जरी)"**एम एस (जनरल सर्जरी)**

(यह मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मदुरै कामराज विश्वविद्यालय द्वारा तिरुनेलवेली मेडिकल कालेज, तिरुनेलवेली में प्रशिक्षित किए जा रहे छात्रों के संबंध में मार्च, 1983 में या उसके बाद प्रदान की गई हो।)

[सं. यू. 12012/54/2008-एम ई (पी-11) वाल्यू-111]

एन. बारिक, अवर सचिव

New Delhi, the 12th August, 2008

S.O. 2411.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule—

(a) against “West Bengal University of Health Sciences, Kolkata”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Pathology)”	MD (Pathology) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at North Bengal Medical College, Darjeeling on or after April, 2007).
“Doctor of Medicine (Radiotherapy)”	MD (Radiotherapy) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at Medical College, Kolkata on or after April, 2007).
“Doctor of Medicine (Anatomy)”	MD (Anatomy) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at R.G. Kar Medical College, Kolkata on or after April, 2007).
“Master of Surgery (Anatomy)”	MS (Anatomy) (This shall be a recognized medical qualification when granted by West Bengal University of Health Sciences, Kolkata in respect of students being trained at R.G. Kar Medical College, Calcutta on or after April, 2007).

(b) against “Sri Venkateswara University Tirupati” under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (TB & Chest Disease/ TB & Respiratory Disease)”	MD (TB & Chest Disease/TB & Respiratory Disease) (This shall be a recognized medical qualification when granted by Sri Venkateswara University, Tirupati in respect of students being trained at Kurnool Medical College, Kurnool on or after April, 1985).
“Diploma in Tuberculosis & Chest Disease”	DTCD (This shall be a recognized medical qualification when granted by Sri Venkateswara University, Tirupati in respect of students being trained at Kurnool Medical College, Kurnool on or after 1979).
“Doctor of Medicine (Social & Preventive Medicine)”	MD (SPM) (This shall be a recognized medical qualification when granted by Sri Venkateswara University, Tirupati in respect of students being trained at S.V. Medical College, Tirupati on or after 1981).

(2)

(3)

“Diploma in Public Health”

DPH

(This shall be a recognized medical qualification when granted by Sri Venkateswara University, Tirupati in respect of students being trained at S.V. Medical College, Tirupati on or after 1980)

(c) against “Andhra Pradesh University of Health Sciences, Vijayawada” under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)

(3)

“Doctor of Medicine (TB & Chest Disease/
TB & Respiratory Disease)”

MD (TB & Chest Disease/TB & Respiratory Disease)

(This shall be a recognized medical qualification when granted by Andhra Pradesh University of Health Sciences, Vijayawada in respect of students being trained at Kurnool Medical College, Kurnool on or after 1985).

“Diploma in Tuberculosis & Chest Disease”

DTCD

(This shall be a recognized medical qualification when granted by Andhra Pradesh University of Health Sciences, Vijayawada in respect of students being trained at Kurnool Medical College, Kurnool on or after 1979).

“Doctor of Medicine (Social & Preventive Medicine)”

MD (SPM)

(This shall be a recognized medical qualification when granted by Andhra Pradesh University of Health Sciences, Vijayawada in respect of students being trained at S.V. Medical College, Tirupati on or after 1981).

“Diploma in Public Health”

DPH

(This shall be a recognized medical qualification when granted by Andhra Pradesh University of Health Sciences, Vijayawada in respect of students being trained at S.V. Medical College, Tirupati on or after 1980)

“Master of Surgery (General Surgery)”

MS (General Surgery)

(This shall be a recognized medical qualification when granted by Andhra Pradesh University of Health Sciences, Vijayawada in respect of students being trained at Gandhi Medical College, Secunderabad).

“Doctor of Medicine (General Medicine)”

MD (General Medicine)

(This shall be a recognized medical qualification when granted by Andhra Pradesh University of Health Sciences, Vijayawada in respect of students being trained at Gandhi Medical College, Hyderabad on or after 1979).

(d) against “N.T.R. University of Health Sciences, Vijayawada”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)

(3)

“Doctor of Medicine (TB & Chest Disease/
TB & Respiratory Disease)”

MD (TB & Chest Disease/TB & Respiratory Disease)

(This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at Kurnool Medical College, Kurnool on or after 1985).

(2)	(3)
“Diploma in Tuberculosis & Chest Disease”	DTCD (This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at Kurnool Medical College, Kurnool on or after 1979).
“Doctor of Medicine (Social & Preventive Medicine)”	MD (SPM) (This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at S.V. Medical College, Tirupati on or after 1981).
“Diploma in Public Health”	DPH (This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at S.V. Medical College, Tirupati on or after 1980).
“Master of Surgery (General Surgery)”	MS (General Surgery) (This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at Gandhi Medical College, Secunderabad).
“Diploma in Tuberculosis & Chest Disease”	DTCD (This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at Mamta Medical College, Khammam on or after June 2007).
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology) (This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at Mamta Medical College, Khammam on or after December 2006).
“Diploma in Child Health”	DCH (This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at Kamineni Institute of Medical Sciences, Narkatpally on or after June, 2007).
“Diploma in Ophthalmology”	DO (This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at Kamineni Institute of Medical Sciences, Narkatpally on or after June, 2007).
“Doctor of Medicine (Anaesthesia)”	MD (Anaesthesia) (This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at Deccan College of Medical Sciences, Hyderabad on or after June, 2007)

(2)

(3)

"Doctor of Medicine (General Medicine)"**MD (General Medicine)**

(This shall be a recognized medical qualification when granted by N.T.R. University of Health Sciences, Vijayawada in respect of students being trained at Gandhi Medical College, Hyderabad on or after 1979)

(e) against "Osmania University" under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (General Medicine)"**MD (General Medicine)**

(This shall be a recognized medical qualification when granted by Osmania University in respect of students being trained at Gandhi Medical College, Hyderabad on or after 1979)

(f) against "Madras University" under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Physiology)"**MD (Physiology)**

(This shall be a recognized medical qualification when granted by Madras University in respect of students being trained at Chennai Medical College, Chennai on or after 1956)

"Master of Surgery (Orthopaedics)"**MS (Orthopaedics)**

(This shall be a recognized medical qualification when granted by Madras University, Chennai in respect of students being trained at Kilpauk Medical College, Chennai on or after 1982)

"Diploma in (Orthopaedics)"**D. Ortho.**

(This shall be a recognized medical qualification when granted by Madras University, Chennai in respect of students being trained at Kilpauk Medical College, Chennai on or after 1978)

"Master of Surgery (General Surgery)"**MS (General Surgery)**

(This shall be a recognized medical qualification when granted by Madras University, Chennai in respect of students being trained at Tirunelveli Medical College, Tirunelveli on or after March, 1983)

(g) against "The Tamilnadu Dr. MGR University, Chennai" under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Physiology)"**MD (Physiology)**

(This shall be a recognized medical qualification when granted by the Tamilnadu Dr. MGR University, Chennai in respect of students being trained at Chennai Medical College, Chennai on or after 1956)

"Master of Surgery Orthopaedics"**MS (Orthopaedics)**

(This shall be a recognized medical qualification when granted by The Tamilnadu Dr. MGR University, Chennai in respect of students being trained at Kilpauk Medical College, Chennai on or after 1982)

(2)

(3)

"Diploma in Orthopaedics"**D. Ortho.**

(This shall be a recognized medical qualification when granted by The Tamilnadu Dr. MGR University, Chennai in respect of students being trained at Kilpauk Medical College, Chennai on or after 1978)

"Doctor of Medicine (Psychiatry)"**MD (Psychiatry)**

(This shall be a recognized medical qualification when granted by The Tamilnadu Dr. MGR University, Chennai in respect of students being trained at Madurai Medical College, Madurai on or after 1978)

"Master of Surgery (General Surgery)"**MS (General Surgery)**

(This shall be a recognized medical qualification when granted by The Tamilnadu Dr. MGR University, Chennai in respect of students being trained at Tirunelveli Medical College, Tirunelveli on or after March, 1983)

"Magistrar Chirurgiae (Genito-Urinary-Surgery)"**M. Ch (Genito-Urinary-Surgery)**

(This shall be a recognized medical qualification when granted by The Tamilnadu Dr. MGR University, Chennai in respect of students being trained at Stanley Medical College, Chennai on or after 2004)

(h) against "Madurai University, under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Psychiatry)"**MD (Psychiatry)**

(This shall be a recognized medical qualification when granted by the Madurai University in respect of students being trained at Madurai Medical College, Madurai on or after 1978)

"Master of Surgery (General Surgery)"**MS (General Surgery)**

(This shall be a recognized medical qualification when granted by Madurai University in respect of students being trained at Tirunelveli Medical College, Tirunelveli on or after March, 1983)

(i) against "Madurai Kamraj University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Psychiatry)"**MD (Psychiatry)**

(This shall be a recognized medical qualification when granted by the Madurai Kamraj University in respect of students being trained at Madurai Medical College, Madurai on or after 1978)

"Master of Surgery (General Surgery)"**MS (General Surgery)**

(This shall be a recognized medical qualification when granted by Madurai Kamraj University in respect of students being trained at Tirunelveli Medical College, Tirunelveli on or after March, 1983)

नई दिल्ली, 12 अगस्त, 2008

का.आ. 2412.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अनुसूची में-

(क) शीर्षक “मान्यता प्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “दत्ता मेंद्रे इंस्टीट्यूट ऑफ मेडिकल साइंसेज (सम विश्वविद्यालय)” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-

(2)	(3)
“दॉक्टर आफ मेडिसिन (शरीर क्रिया विज्ञान)”	एम.डी. (शरीर क्रिया विज्ञान)। (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह दत्ता मेंद्रे इंस्टीट्यूट ऑफ मेडिकल साइंसेज (सम विश्वविद्यालय) द्वारा लेन्स्मेडिकल कालेज, स्वांगी, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो।)
“दॉक्टर आफ मेडिसिन (शरीर क्रिया विज्ञान)”	एम.डी. (शरीर क्रिया विज्ञान) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा जेएलएन मेडिकल कालेज, स्वांगी, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो।)
“आधैलमिक मेडिसिन एवं सर्जरी में डिप्लोमा”	डी.ओ.एम.एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा महात्मा गांधी आयुर्विज्ञान संस्थान, सेवाग्राम, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1990 में अथवा उसके पश्चात् प्रदान की गई हो।)
“नेत्र विज्ञान में डिप्लोमा”	डी.ओ.एम.एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह आरटीएम नागपुर विश्वविद्यालय द्वारा महात्मा गांधी आयुर्विज्ञान संस्थान, सेवाग्राम, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1990 में या उसके पश्चात् प्रदान की गई हो।)
“ग) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “नागपुर विश्वविद्यालय” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-	
“आधैलमिक मेडिसिन एवं सर्जरी में डिप्लोमा”	डी.ओ.एम.एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह नागपुर विश्वविद्यालय द्वारा महात्मा गांधी आयुर्विज्ञान संस्थान, सेवाग्राम, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1990 में अथवा उसके पश्चात् प्रदान की गई हो।)
“नेत्र विज्ञान में डिप्लोमा”	डी.ओ.एम.एस. (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह नागपुर विश्वविद्यालय द्वारा महात्मा गांधी आयुर्विज्ञान संस्थान, सेवाग्राम, वर्धा में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 1990 में या उसके पश्चात् प्रदान की गई हो।)

(घ) शीर्षक “मान्यता प्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “प्रवार आयुर्विज्ञन संस्थान (सम विश्वविद्यालय)” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके अंतर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-

“नैदानिक विकृति विज्ञान में डिप्लोमा”

डी.सी.पी.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह प्रवार आयुर्विज्ञन संस्थान (सम विश्वविद्यालय) द्वारा रूरल मेडिकल कालेज, लोनी में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जुलाई, 2007 में या उसके पश्चात् प्रदान की गई हो)।

“नेत्र विज्ञान में डिप्लोमा”

डी.ओ.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह प्रवार आयुर्विज्ञन संस्थान (सम विश्वविद्यालय) द्वारा रूरल मेडिकल कालेज, लोनी में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जुलाई, 2007 में या उसके पश्चात् प्रदान की गई हो)।

“स्त्रीरोग विज्ञान एवं प्रसूति रोग विज्ञान में डिप्लोमा”

डी.जी.ओ.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह प्रवार आयुर्विज्ञन संस्थान (सम विश्वविद्यालय) द्वारा रूरल मेडिकल कालेज, लोनी में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जुलाई, 2007 में या उसके पश्चात् प्रदान की गई हो)।

“अस्थिरोग विज्ञान में डिप्लोमा”

डी.आर्थो

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह प्रवार आयुर्विज्ञन संस्थान (सम विश्वविद्यालय) द्वारा रूरल मेडिकल कालेज, लोनी में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जुलाई, 2007 में या उसके पश्चात् प्रदान की गई हो)।

(ङ) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय” के सामने, अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके अंतर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-

“मास्टर ऑफ सर्जरी (सामान्य सर्जरी)”

एम. एस. (सामान्य सर्जरी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय द्वारा महात्मा गांधी मेडिकल कालेज, नवी मुंबई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मई, 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।

(च) शीर्षक “मान्यता प्राप्त चिकित्सा अर्हता” (इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित) के अन्तर्गत “महात्मा गांधी स्वास्थ्य विज्ञान विश्वविद्यालय (सम विश्वविद्यालय)” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके अंतर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-

“मास्टर ऑफ सर्जरी (सामान्य सर्जरी)”

एम. एस. (सामान्य सर्जरी)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह महात्मा गांधी स्वास्थ्य विज्ञान विश्वविद्यालय (सम विश्वविद्यालय) द्वारा महात्मा गांधी मेडिकल कालेज, नवी मुंबई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मई 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।

(छ) शीर्षक “मान्यता प्राप्त चिकित्सा अर्हता” (इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित) के अन्तर्गत “बम्बई विश्वविद्यालय, के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ इसके अंतर्गत स्तंभ (3) के रूप में उल्लिखित) के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद, निम्नलिखित जोड़ा जाएगा, अर्थात् :-

“डॉक्टर ऑफ मेडिसिन (एसपीएम/सामुदायिक चिकित्सा)”

एम.डी. (एसपीएम/सामुदायिक चिकित्सा)

(2)

(3)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मुंबई विश्वविद्यालय द्वारा टीएन मेडिकल कालेज, मुंबई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 30-4-1981 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ज) शीर्षक “मान्यता प्राप्त चिकित्सा अर्हता” (इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित) के अन्तर्गत “मुंबई विश्वविद्यालय” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ (इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित) के अन्तर्गत उससे संबंधित प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-

“मास्टर आफ सर्जरी (अस्थि रोग विज्ञान) ”

एम. एस. (अस्थि रोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मुंबई विश्वविद्यालय द्वारा महात्मा गांधी मेडिकल कालेज, नवी मुंबई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जनवरी, 2006 में अथवा उसके पश्चात् प्रदान की गई हो)।

“डाक्टर आफ मेडिसिन (एसपीएम/सामुदायिक चिकित्सा) ”

एम. डी. (एसपीएम/सामुदायिक चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मुंबई विश्वविद्यालय द्वारा टीएन मेडिकल कालेज, मुंबई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में 30-4-1981 में अथवा उसके पश्चात् प्रदान की गई हो)।

(झ) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “डा. डी.वाई. पाटिल विश्वविद्यालय” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-

“नेत्र विज्ञान में डिप्लोमा”

डी. ओ.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. डी.वाई. पाटिल विश्वविद्यालय, नवी मुंबई द्वारा डा. डी.वाई. पाटिल मेडिकल कालेज, नवी मुंबई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून, 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।

“डा. आफ मेडिसिन (बाल रोग चिकित्सा) ”

एम.डी. (बाल रोग चिकित्सा)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. डी.वाई. पाटिल विश्वविद्यालय, नवी मुंबई द्वारा डा. डी.वाई. पाटिल मेडिकल कालेज, नवी मुंबई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून, 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।

“बाल स्वास्थ्य में डिप्लोमा”

डी.सी.एच.

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. डी.वाई. पाटिल विश्वविद्यालय, नवी मुंबई द्वारा डा. डी.वाई. पाटिल मेडिकल कालेज, नवी मुंबई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून, 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।

“अस्थि रोग विज्ञान में डिप्लोमा”

डी. आर्थो

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. डी.वाई. पाटिल विश्वविद्यालय, नवी मुंबई द्वारा डा. डी.वाई. पाटिल मेडिकल कालेज, नवी मुंबई में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून, 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।

(ज) शीर्षक “मान्यता प्राप्त चिकित्सा अर्हता” (इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित) के अन्तर्गत “डा. डी.वाई. पाटिल विश्वविद्यालय, मिम्परी, पुणे” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ (इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित) के अन्तर्गत उससे संबंधित प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-

“डाक्टर आफ मेडिसिन (विकृति विज्ञान) ”

एम. डी. (विकृति विज्ञान)

(2)	(3)
"मास्टर आफ सर्जरी (ईएनटी)"	(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. डी.वाई. पाटिल विश्वविद्यालय, पिम्परी, पुणे द्वारा डा. डी.वाई. पाटिल मेडिकल कालेज, पिम्परी, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।
"मास्टर आफ सर्जरी (ईएनटी)"	एमएस (ईएनटी) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह डा. डी.वाई. पाटिल विश्वविद्यालय, पिम्परी, पुणे द्वारा डा. डी.वाई. पाटिल मेडिकल कालेज, पिम्परी, पुणे में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जून 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।
(ट). शीर्षक "मान्यता प्राप्त चिकित्सा अर्हता" [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत "गोवा विश्वविद्यालय" के सामने अंतिम प्रविष्टि तथा शीर्षक 'पंजीकरण के लिए संक्षेपण' [इसके अन्तर्गत स्तंभ (3) के रूप में उल्लिखित] के अन्तर्गत उससे संबंधित प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-	
"मास्टर आफ सर्जरी (ईएनटी)"	एमएस (ईएनटी.) (यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह गोवा विश्वविद्यालय, द्वारा गोवा मेडिकल कालेज, पणजी में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में अप्रैल 2007 में अथवा उसके पश्चात् प्रदान की गई हो)।

[सं. यू-12012/54/2008-एम.ई. (पी-II) खंड II]

एन. बारिक, अवर सचिव

New Delhi, the 12th August, 2008

S.O. 2412.—In exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule—

(a) against "Datta Meghe Instt. of Medical Sciences (Deemed University)", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Physiology)"	MD (Physiology) (This shall be a recognized medical qualification when granted by Datta Meghe Institute of Medical Sciences (Deemed University) in respect of students being trained at J.L.N. Medical College, Swangi, Wardha on or after May, 2007).

(b) against "RTM Nagpur University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Physiology)"	MD (Physiology) (This shall be a recognized medical qualification when granted by RTM Nagpur University in respect of students being trained at J.L.N. Medical College, Swangi, Wardha on or after May, 2007).
"Diploma in Ophthalmic Medicine & Surgery"	DOMS (This shall be a recognized medical qualification when granted by RTM Nagpur University in respect of students being trained at Mahatma Gandhi Institute of Medical Sciences, Sewagram, Wardha on or after 1990).

(2)

(3)

"Diploma in Ophthalmology"**DO**

(This shall be a recognized medical qualification when granted by RTM Nagpur University in respect of students being trained at Mahatma Gandhi Institute of Medical Sciences, Sewagram, Wardha on or after 1990).

(c) against "Nagpur University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)

(3)

"Diploma in Ophthalmic Medicine & Surgery"**DOMS**

(This shall be a recognized medical qualification when granted by Nagpur University in respect of students being trained at Mahatma Gandhi Institute of Medical Sciences, Sewagram, Wardha on or after 1990).

"Diploma in Ophthalmology"**DO**

(This shall be a recognized medical qualification when granted by Nagpur University in respect of students being trained at Mahatma Gandhi Institute of Medical Sciences, Sewagram, Wardha on or after 1990).

(d) against "Pravara Institute of Medical Sciences (Deemed University)", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :

"Diploma in Clinical Pathology"**DCP**

(This shall be a recognized medical qualification when granted by Pravara Institute of Medical Sciences (Deemed University) in respect of students being trained at Rural Medical College, Loni on or after July, 2007).

"Diploma in Ophthalmology "**DO**

(This shall be a recognized medical qualification when granted by Pravara Institute of Medical Sciences (Deemed University) in respect of students being trained at Rural Medical College, Loni on or after July, 2007).

"Diploma in Gynaecology & Obstetrics "**DGO**

(This shall be a recognized medical qualification when granted by Pravara Institute of Medical Sciences (Deemed University) in respect of students being trained at Rural Medical College, Loni on or after July, 2007).

"Diploma in Orthopaedics "**D Ortho**

(This shall be a recognized medical qualification when granted by Pravara Institute of Medical Sciences (Deemed University) in respect of students being trained at Rural Medical College, Loni on or after July, 2007).

(e) against "Maharashtra University of Health Sciences", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)

(3)

“Master of Surgery (General Surgery)”**MS (General Surgery)**

(This shall be a recognized medical qualification when granted by Maharashtra University of Health Sciences in respect of students being trained at Mahatma Gandhi Medical College, Navi Mumbai on or after May, 2007).

(f) against “Mahatma Gandhi University of Health Sciences (Deemed University)”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

“Master of Surgery (General Surgery)”**MS (General Surgery)**

(This shall be a recognized medical qualification when granted by Mahatma Gandhi University of Health Sciences (Deemed University) in respect of students being trained at Mahatma Gandhi Medical College, Navi Mumbai on or after May, 2007).

(g) against “Bombay University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

“Doctor of Medicine (SPM/Community Medicine)”**MD (SPM/Community Medicine)**

(This shall be a recognized medical qualification when granted by Bombay University in respect of students being trained at T.N. Medical College, Mumbai on or before 30-4-1981).

(h) against “Mumbai University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

“Master of Surgery (Orthopaedics)”**MS (Orthopaedics)**

(This shall be a recognized medical qualification when granted by Mumbai University in respect of students being trained at Mahatma Gandhi Medical College, Navi Mumbai on or after January, 2006).

“Doctor of Medicine (SPM/Community Medicine)”**MD (SPM/Community Medicine)**

(This shall be a recognized medical qualification when granted by Mumbai University in respect of students being trained at T.N. Medical College, Mumbai on or before 30-4-1981).

(i) against “Dr. D.Y. Patil University”, Navi Mumbai”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

“Diploma in Ophthalmology”**DO**

(This shall be a recognized medical qualification when granted by “Dr. D.Y. Patil University”, Navi Mumbai”, in respect of students being trained at Dr. D.Y. Patil Medical College, Navi Mumbai on or after June, 2007).

“Doctor of Medicine (Paediatrics)”**MD (Paediatrics)**

(This shall be a recognized medical qualification when granted by “Dr. D.Y. Patil University”, Navi Mumbai”, in respect of students being trained at Dr. D.Y. Patil Medical College, Navi Mumbai on or after June, 2007).

(2)

(3)

"Diploma in Child Health"

DCH

(This shall be a recognized medical qualification when granted by Dr. D.Y. Patil University, Navi Mumbai in respect of students being trained at Dr. D.Y. Patil Medical College, Navi Mumbai on or after June, 2007).

"Diploma in (Orthopaedics)"

D. Ortho.

(This shall be a recognized medical qualification when granted by Dr. D.Y. Patil University, Navi Mumbai in respect of students being trained at Dr. D.Y. Patil Medical College, Navi Mumbai on or after June, 2007).

(j) against "Dr. D.Y. Patil University, Pimpri, Pune", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Pathology)"

MD (Pathology)

(This shall be a recognized medical qualification when granted by "Dr. D.Y. Patil University", Pimpri Pune in respect of students being trained at Dr. D.Y. Patil Medical College, Pimpri, Pune on or after June, 2007).

"Master of Surgery (ENT)"

MS(ENT)

(This shall be a recognized medical qualification when granted by "Dr. D.Y. Patil University", Pimpri Pune in respect of students being trained at Dr. D.Y. Patil Medical College, Pimpri Pune on or after June, 2007).

(k) against "Goa University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Master of Surgery (ENT)"

MS(ENT)

(This shall be a recognized medical qualification when granted by Goa University in respect of students being trained at Goa Medical College, Panaji on or after April, 2007).

[No. U-12012/54/2008-ME(P-II) VOL. II]

N. BARIK, Under Secy.

नई दिल्ली, 12 अगस्त, 2008

का.आ. 2413.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की भाग 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) शोषक "मान्यताप्राप्त चिकित्सा अर्हता" [इसके पश्चात् संबंध (2) के रूप में उल्लिखित] के अन्तर्गत "गुलबर्गा विश्वविद्यालय" के साथ से अंतिम प्रविष्टि तथा शोषक 'पंजीकरण के लिए संक्षेपण' [इसके पश्चात् संबंध (3) के रूप में संर्दित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :—

(2)

(3)

"डॉक्टर ऑफ डेंडिसिन (भेषज विज्ञान)"

एम.डी. (भेषज विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह विजय नगर इंस्टीचूट ऑफ मेडिकल साइंसेज, बेल्लारी में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में गुलबर्गा विश्वविद्यालय द्वारा 1989 में अथवा उसके बाद प्रदान की गई हो)।

(ख) शीर्षक “मान्यता प्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “राजीव गाँधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-

“डाक्टर आफ मेडिसिन (भेषज विज्ञान) ”

एम.डी. (भेषज विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह विजय नगर इंस्टीचूट ऑफ मेडिकल साइंसेज, बेल्लारी में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में “राजीव गाँधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज” द्वारा 1989 में अथवा उसके बाद प्रदान की गई हो)।

“मास्टर आफ सर्जरी (नेत्र रोग विज्ञान) ”

एम.एस. (नेत्र रोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह जेएसएस मेडिकल कॉलेज, मैसूर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में “राजीव गाँधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज” द्वारा मई, 2007 में अथवा उसके बाद प्रदान की गई हो)।

“मास्टर आफ सर्जरी (नेत्र रोग विज्ञान) ”

एम.एस. (नेत्र रोग विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गाँधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज द्वारा फादर मूलर मेडिकल कॉलेज, मंगलूर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में दिसम्बर, 2007 में अथवा उसके बाद प्रदान की गई हो)।

“डॉक्टर आफ मेडिसिन (विकिरण निदान) ”

एम.डी. (विकिरण निदान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह राजीव गाँधी यूनिवर्सिटी ऑफ हेल्थ साइंसेज द्वारा कमांड हॉस्पिटल, एयरफोर्स, बैंगलूर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में मई, 2007 में अथवा उसके बाद प्रदान की गई हो)।

(ग) शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके पश्चात् स्तंभ (2) के रूप में उल्लिखित] के अन्तर्गत “मैसूर विश्वविद्यालय” के सामने अंतिम प्रविष्टि तथा शीर्षक ‘पंजीकरण के लिए संक्षेपण’ [इसके पश्चात् स्तंभ (3) के रूप में संदर्भित] के अन्तर्गत उससे संबंधित प्रत्येक प्रविष्टि के बाद निम्नलिखित जोड़ा जाएगा, अर्थात् :-

“डाक्टर आफ मेडिसिन (भेषज विज्ञान) ”

एम.डी. (भेषज विज्ञान)

(यह एक मान्यताप्राप्त चिकित्सा अर्हता होगी यदि यह मैसूर विश्वविद्यालय द्वारा गवर्नर्मेंट मेडिकल कॉलेज, मैसूर में प्रशिक्षण प्राप्त कर रहे छात्रों के संबंध में जनवरी, 1966 में अथवा उसके बाद प्रदान की गई हो)।

[सं. यू-12012/54/2008-एम.ई. (पी-II) खंड IV]

एन. बारिक, अवर सचिव

New Delhi, the 12th August, 2008

S.O. 2413.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule—

(a) against “Gulbarga University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology) (This shall be a recognized medical qualification when granted by Gulbarga University in respect of students being trained at Vijayanagar Institute of Medical Sciences, Ballary on or after 1989).

(b) against "Rajiv Gandhi University of Health Sciences", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Pharmacology)"	MD (Pharmacology) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences in respect of students being trained at Vijayanagar Institute of Medical Sciences, Ballary on or after 1989).
"Master of Surgery (Ophthalmology)"	MS (Ophthalmology) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences in respect of students being trained at JSS Medical College, Mysore on or after May, 2007).
"Master of Surgery (Ophthalmology)"	MS (Ophthalmology) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences in respect of students being trained at Father Muller Medical College, Mangalore on or after December, 2007).
"Doctor of Medicine (Radio-diagnosis)"	MD (Radio-diagnosis) (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences in respect of students being trained at Command Hospital, Air Force, Bangalore on or after May, 2007).

(c) against "Mysore University", under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

"Doctor of Medicine (Pharmacology)"	MD (Pharmacology) (This shall be a recognized medical qualification when granted by Mysore University in respect of students being trained at Govt. Medical College, Mysore on or after January, 1966).
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[No. U-12012/54/2008-ME (P-II) VOL. IV]

N. BARIK, Under Secy.

खान मंत्रालय

नई दिल्ली, 14 अगस्त, 2008

का.आ. 2414.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, खान मंत्रालय के प्रशासनिक नियंत्रणाधीन उपक्रम हिंदुस्तान कॉपर लिमिटेड की इकाई विपणन कार्यालय, बंगलूरु जिसके 80 प्रतिशत से अधिक कर्मचारी-वृद्ध ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

2. यह अधिसूचना राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

[सं. ई-17011/1/2006-हिंदी]

अजिता बाजपेयी पाण्डे, संयुक्त मन्त्रिव

MINISTRY OF MINES

New Delhi, the 14th August, 2008

S.O. 2414.—In pursuance of sub-rule (4) of rule 10 of the official language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the Marketing Office, Bangalore an unit of Hindustan Copper Limited where more than 80% staff have acquired the working knowledge of Hindi.

2. This notification shall come into force from the date of publication in the official Gazette.

[No. E-17011/1/2006-Hindi]

AJITA BAJPAI PANDE, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

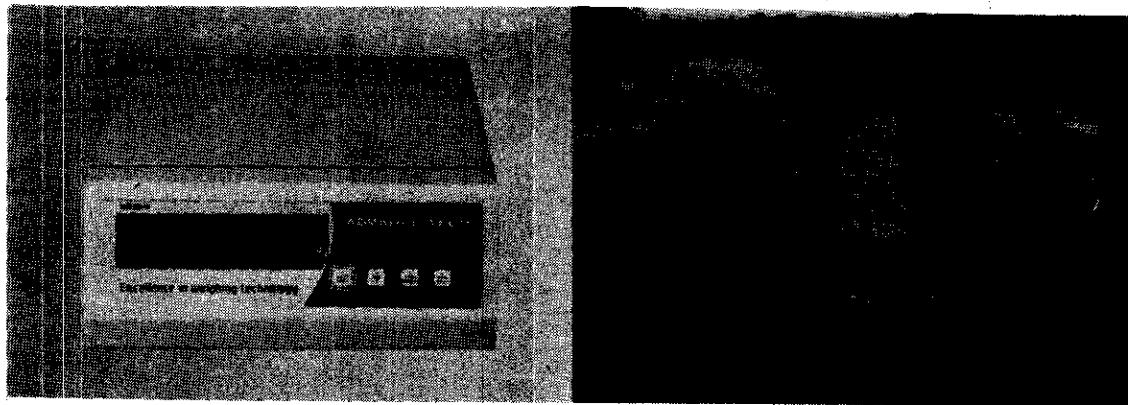
(उपभोक्ता मामले विभाग)

नई दिल्ली, 14 मार्च, 2008

का.आ. 2415.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एडवांस टैक, आई एफ/79ए एन आई टी, फरीदाबाद, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) बाले “ए टी डब्ल्यू” शृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एडवांस टैक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/03 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 40 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



तार और लीड सील द्वारा इंडीकेटर के पीछे सीलिंग की जाती है। अपर और साइड पैनल से छेद द्वारा तार निकाली जाती है। मॉडल के सीलिंग प्रावधान का एक विशिष्ट सीमेटिक डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^k , 2×10^k , 5×10^k , के हैं, जों धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(298)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

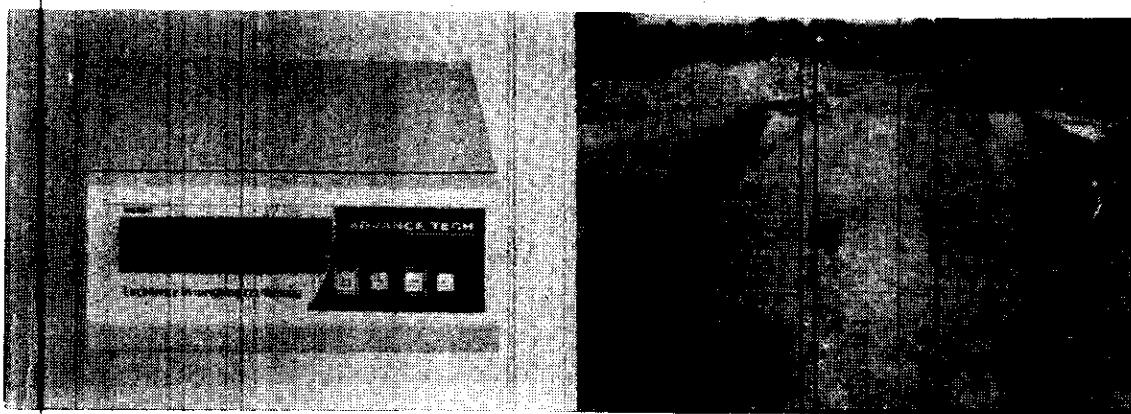
(Department of Consumer Affairs)

New Delhi, the 14th March, 2008

S.O. 2415.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (weighbridge type) with digital indication of medium accuracy (Accuracy class-III) of series "ATW" and with brand name "ADVANCE TECH" (hereinafter referred to as the said model), manufactured by M/s. Advance Tech, I.F.79, N.I.T., Faridabad, Haryana and which is assigned the approval mark IND/09/08/03;

The said model is a strain gauge type load cell based non-automatic weighing instrument (weighbridge type) with a maximum capacity of 40 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Sealing is done at the back side of the indicator using wire and lead seal. The wire passes through hole from the upper and side panels. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value 5g or more and with ' c ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (298)/2007]

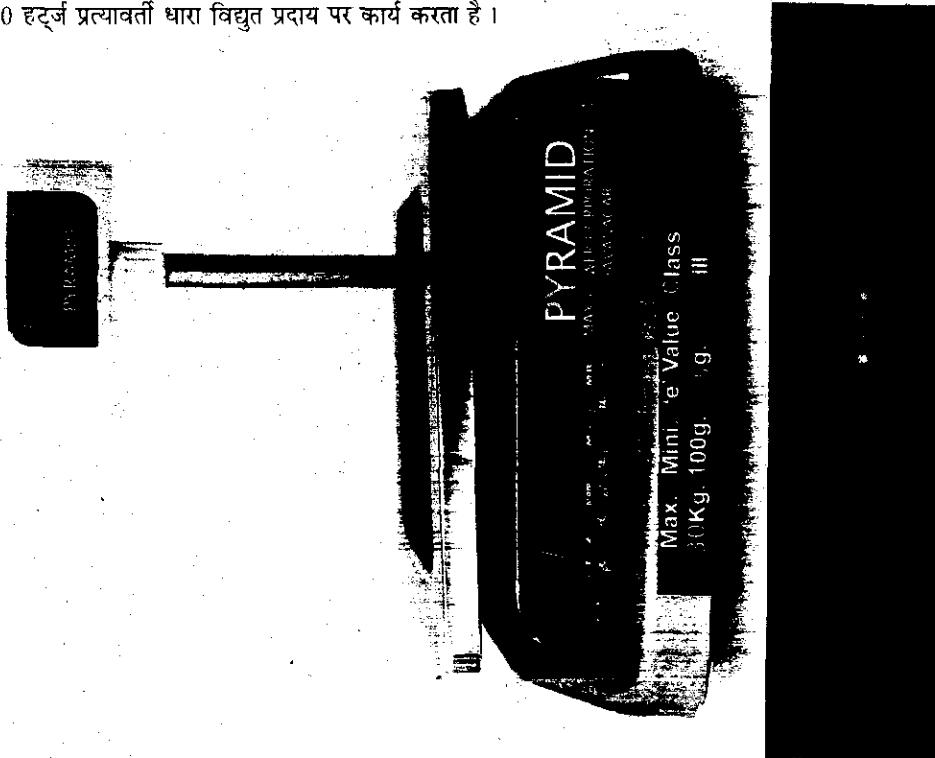
R. MATHURBOOTHI AM, Director of Legal Metrology

नई दिल्ली, 30 जून, 2008

का.आ. 2416.—केन्द्रीय सरकार का, विहित प्रधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पैकेज पावर कार्पोरेशन, 207, शिल्पग्राम काम्पलैक्स, संत कंवरराम चौक, भावनगर-364001 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “एम पी टी टी-3” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके बांद का नाम “पिरामिड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी /09/08/229 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



तोलन उपकरण के सूचक को सीलबंद पिछली ओर से किया जाएगा। एक गुणित सील तार साइड कवर, तल प्लेट और स्टेमिंग प्लेट में डाली जाएगी और उसके उपरांत सील की जाएगी। सील को तोड़े बिना उपकरण को खोला नहीं जा सकेगा। मॉडल को सील करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 कि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(75)/2008]

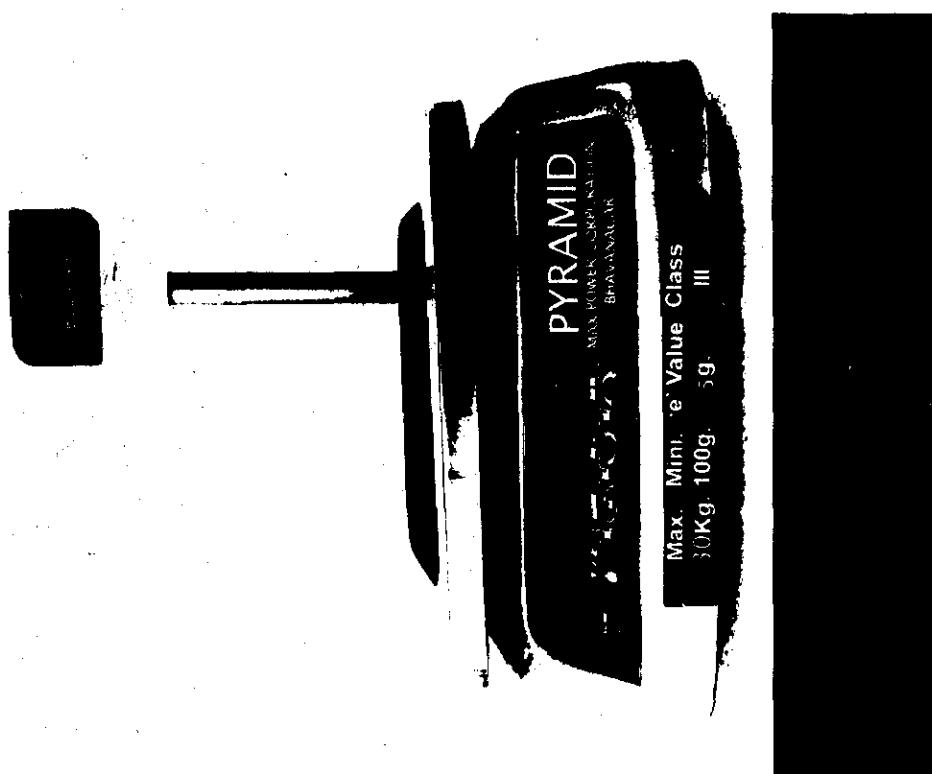
आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2008

S.O. 2416.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "MPTT-03" series of medium accuracy (accuracy class-III) and with brand name "PYRAMID" (hereinafter referred to as the said model), manufactured by M/s. Max Power Corporation, 207, Shilpgram Complex, Sant Kanwarram Chowk, Bhavnagar-364 001 and which is assigned the approval mark IND/09/08/229;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30Kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Sealing is done at the rear side of the weighing instrument. A twisted seal wire is passed through holes in the side cover, bottom plate and stamping plate and then sealed. The instrument cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (75)/2008]

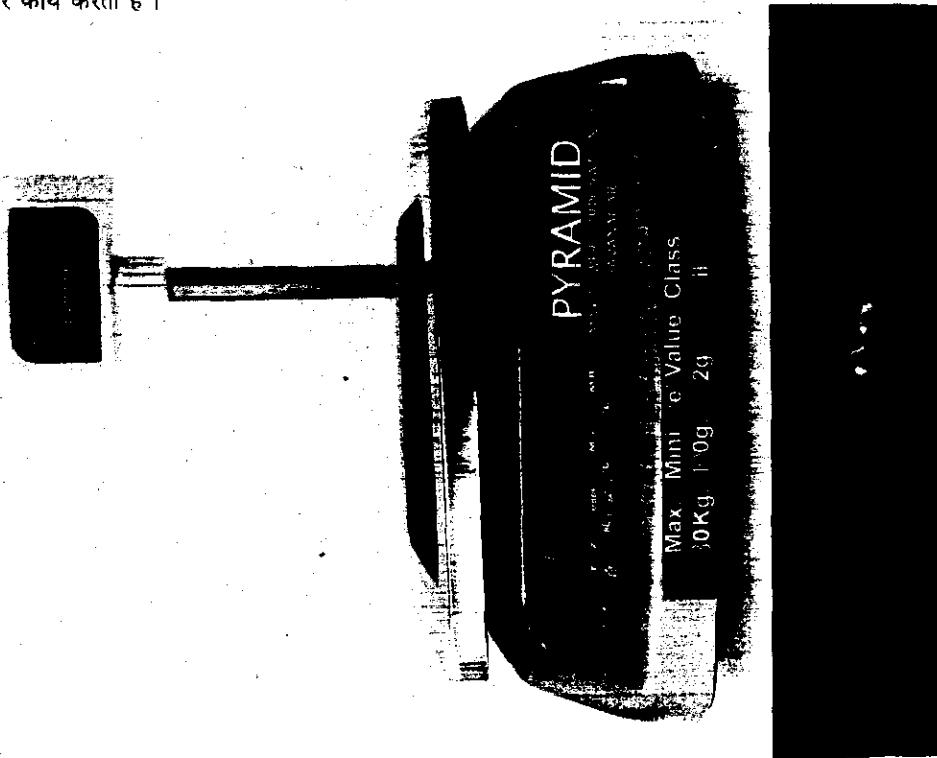
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 जून, 2008

का.आ. 2417.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैक्स पावर कार्पोरेशन, 207, शिल्पग्राम काष्ठलैक्स, संत कंवरराम चौक, भावनगर-364001 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले “एमपीटीटी-2” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “पिरामिड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी /09/08/228 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



तोलन उपकरण के सूचक को सीलबंद पिछली ओर से किया जाएगा। एक गुंथित सील तार को साइड कवर, तल प्लेट और स्टेपिंग प्लेट में डाली जाएगी और उसके उपरांत सील की जाएगी। सील को तोड़े बिना उपकरण को खोला नहीं जा सकेगा। मॉडल को सील करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापदीन अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापदीन अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(75)/2008]

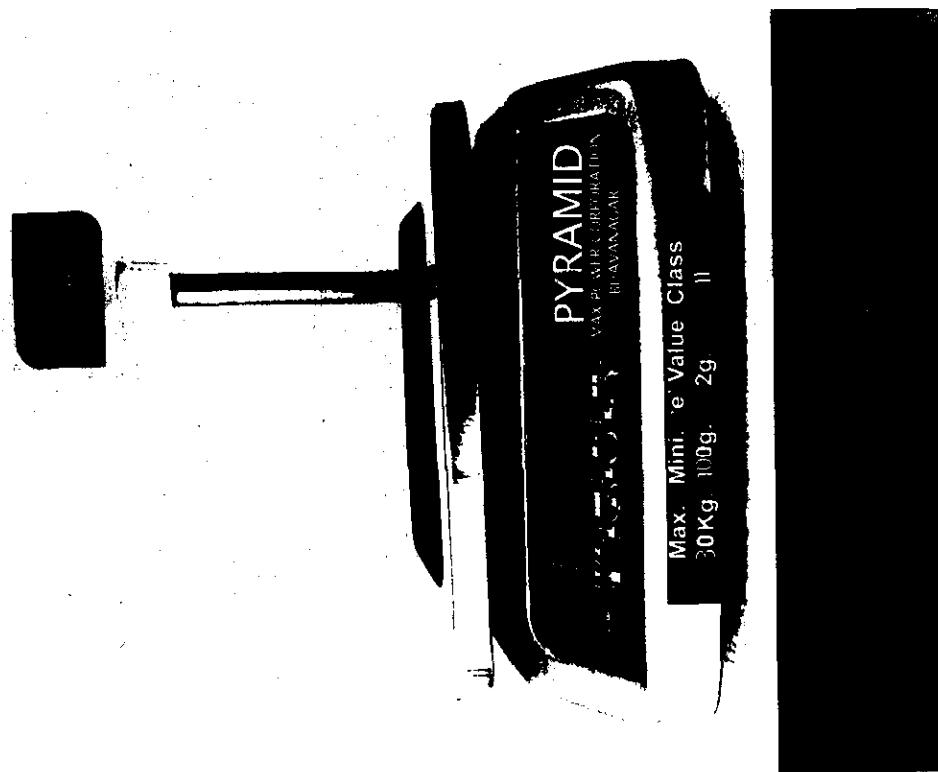
आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2008

S.O. 2417.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "MPTT-02" and with brand name "PYRAMID" (hereinafter referred to as the said model), manufactured by M/s. Max Power Corporation, 207, Shilparam Complex, Sant Kanwarram Chowk, Bhavnagar-364 001 and which is assigned the approval mark IND/09/08/228;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (*e*) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Sealing is done at the rear side of the weighing instrument. A twisted seal wire is passed through holes in the side cover, bottom plate and stamping plate and then sealed. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (*n*) in the range of 100 to 50,000 for '*e*' value of 1mg to 50mg and with verification scale interval (*n*) in the range of 5,000 to 50,000 for '*e*' value of 100mg or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (75)/2008]

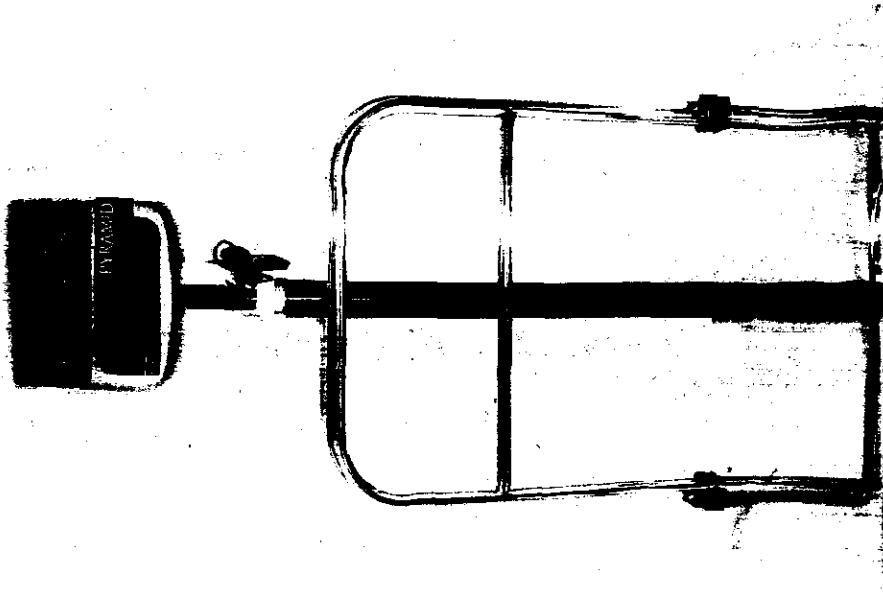
R. MATHURBOOJI AM, Director of Legal Metrology

नई दिल्ली, 30 जून, 2008

का.आ. 2418.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैक्स पावर कापोरेशन, 207, शिल्पग्राम काम्पलैक्स, संत कंवरसाम चौक, भाबनगर-364001 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले “एम पी पी एफ-03” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “पिरामिड” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी /09/08/230 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



तोलन उपकरण के सूचक को सीलबंद पीछली और से किया जाएगा। एक गुंथित सील तार को माइट कवर, तत्प्लेट और स्टेमिंग प्लेट में डाली जाएगी और उसके उपरांत सील की जाएगी। सील को तोड़े बिना उपकरण को खोला नहीं जा सकेगा। मॉडल को सील करने के उपबंध का एक प्रूफपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिसमें उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए $500 \text{ से } 10,000$ तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और $5,000$ कि.ग्रा. तक की अधिकतम क्षमता वाले हैं “ई” और मान $1 \times 10^4, 2 \times 10^4, 5 \times 10^4$ के हैं, जो धनात्मक या क्रहणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(75) 26/2008]

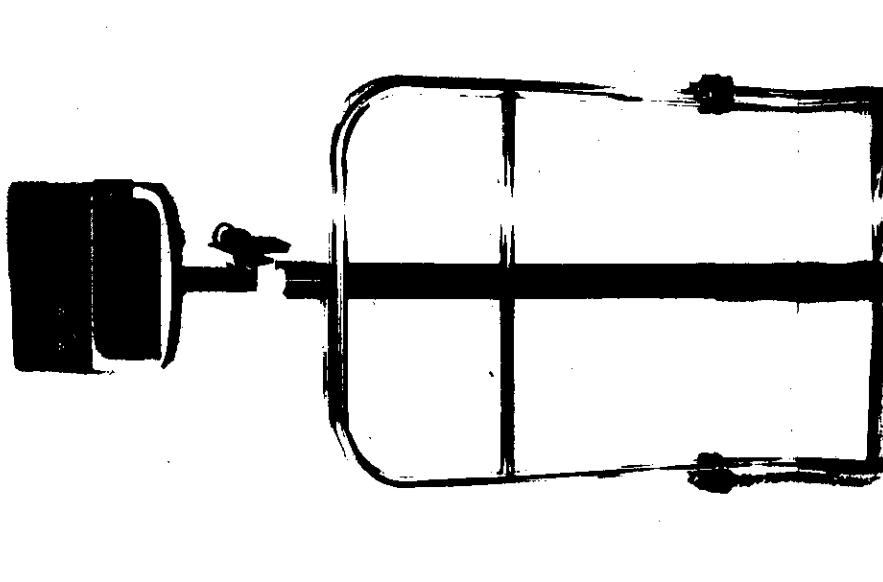
आर. रघुरामूर्थम्, निदेशक, विधिक माप अंकुश

New Delhi, the 30th June, 2008

S.O. 2418.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "MPPF-03" and with brand name "PYRAMID" (hereinafter referred to as the said model), manufactured by M/s. Max Power Corporation, 207, Shilpgram Complex, Sant Kanwarram Chowk, Bhavnagar-364 001 and which is assigned the approval mark IND/09/08/230;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1,000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



Sealing is done at the rear side of the indicator of the weighing instrument. A twisted seal wire is passed through hole in the side cover, bottom plate and stamping plate and then sealed. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and upto 5,000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (75)/2008]

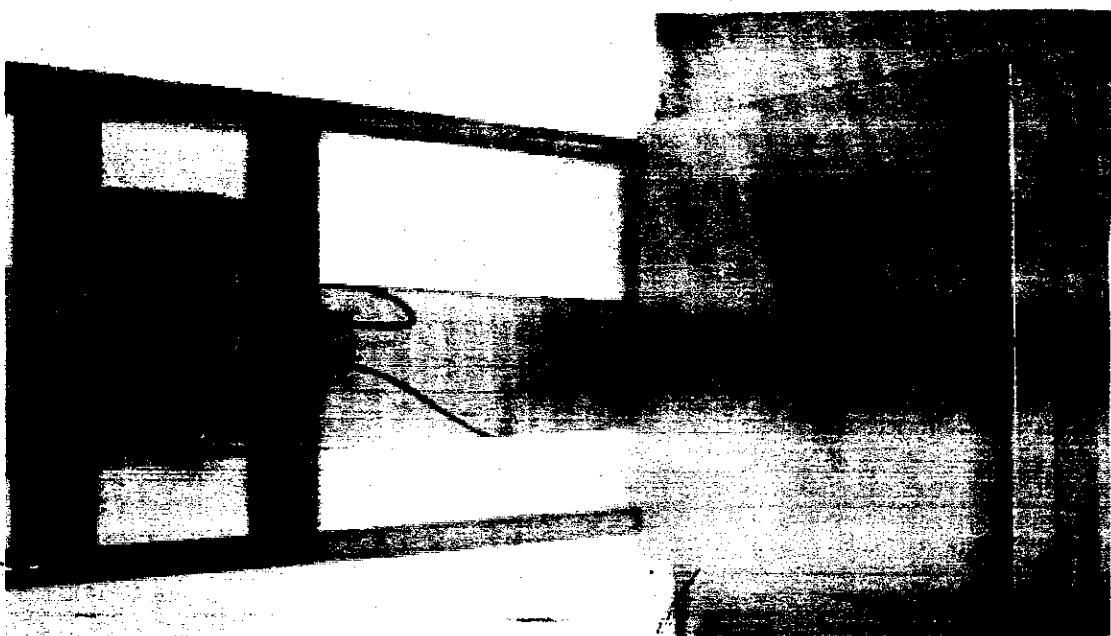
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 जून, 2008

का.आ. 2419.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जय इंस्ट्रमेंट्स एंड सिस्टम्स प्रा. लि., ई-16, एकरेस्ट बिल्डिंग, टारडिओ रोड, मुम्बई-40034 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एफ डब्ल्यू 1013एफ" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण फ्लेमप्रूफ इंडीकेटर के साथ (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "जय-पान" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/08/154 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण फ्लेमप्रूफ इंडीकेटर के साथ (प्लेटफार्म प्रकार) है। इसकी क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



प्राधिकारियों द्वारा सत्यापन और स्टेम्पिंग करने के बाद इंडिकेटर में किए गए छिद्रों के माध्यम से एक लिडिंग वायर पास करके सीलिंग की जाती है। सील को तोड़े बिना उपकरण को नहीं खोला जा सकता। मॉडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायरेक्ट उपरोक्त दिया गया है।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(82)/2008]

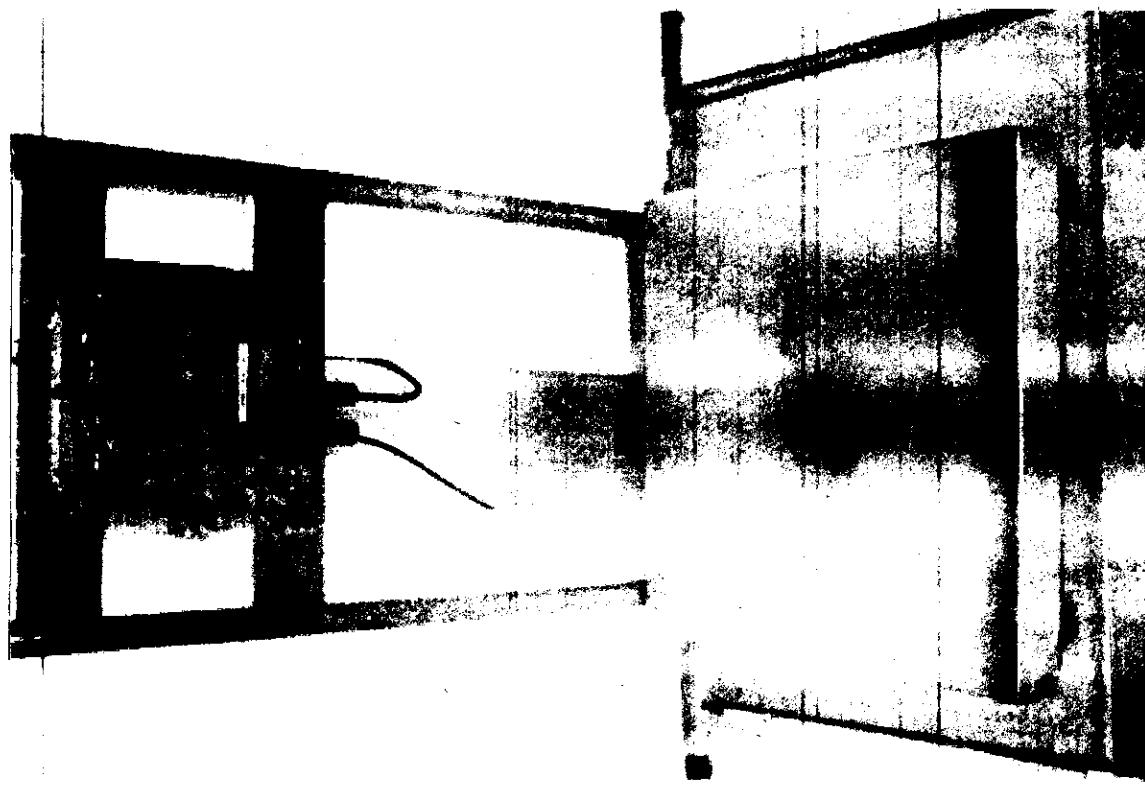
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2008

S.O. 2419.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with flameproof indicator (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "FW 1013F" and with brand name "JAY-PAN" (hereinafter referred to as the said Model), manufactured by M/s. Jay Instruments & Systems Pvt. Ltd., E-16, Everest Building, Tardeo Road, Mumbai-400 034 and which is assigned the approval mark IND/09/08/154;

The said model is a strain gauge type load cell based non-automatic weighing instrument with flameproof indicator (Platform type) with digital indication of maximum capacity of 200kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



The sealing is done by passing a leaded wire through the holes made in the indicator after verification and stamping by the authorities. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. and up to 5000 kg. and with number of with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , K being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (82)/2008]

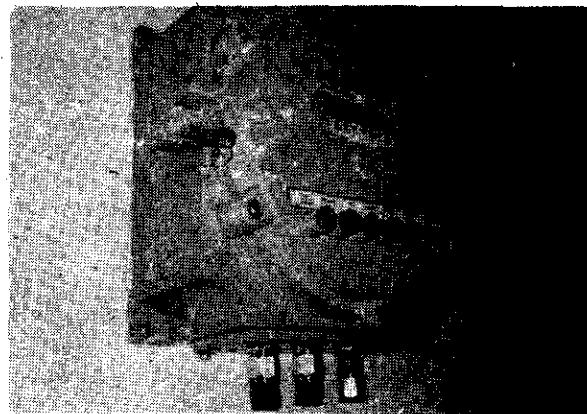
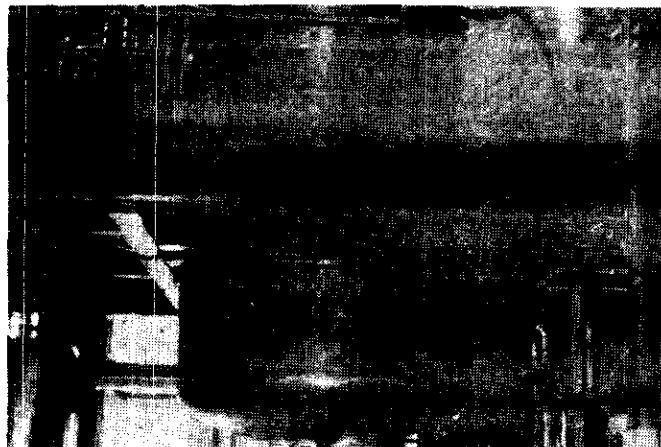
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 30 जून, 2008

का.आ. 2420.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जय इंस्ट्रूमेंट्स एंड सिस्टम्स प्रा. लि., ई-16, एक्रेस्ट बिल्डिंग, टारफिंगो रोड, मुम्बई-400034 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एफ डब्ल्यू 1900एफ" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण फ्लेमप्रूफ इंडीकेटर के साथ (टैंक/हूपर/सीलो वेइंग टाइप) के मॉडल का, जिसके ब्रांड का नाम "जय-पान" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/08/155 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण फ्लेमप्रूफ इंडीकेटर के साथ (टैंक/हूपर/सीलो वेइंग टाइप) है। इसकी क्षमता 60 टन है और न्यूनतम् क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



प्राधिकारियों द्वारा सत्यापन और स्टेम्पिंग करने के बाद इंडिकेटर में किए गए छिद्रों के माध्यम से एक लिंडिड वायर पास करके सीलिंग की जाती है। सील को तोड़े बिना उपकरण को नहीं खोला जा सकता। मॉडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 25 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(84)/2008]

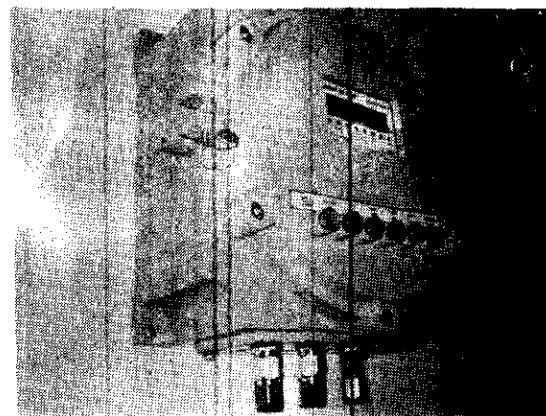
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2008

S.O. 2420.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with flameproof indicator (Tank/Hopper/Silo Weighing type) with digital indication of medium accuracy (Accuracy class-III) of series "FW1900F" and with brand name "JAY-PAN" (hereinafter referred to as the said Model), manufactured by M/s. Jay Instruments & Systems Pvt. Ltd., E-16, Everest Building, Tardeo Road, Mumbai-400 034 and which is assigned the approval mark IND/09/08/155;

The said model is a strain gauge type load cell based non-automatic weighing instrument with flame proof indicator (Tank/Hopper/Silo Weighing type) with a maximum capacity of 60 tonne and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



The sealing is done by passing a leaded wire through the holes made in the indicator after verification and stamping by the authorities. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities in the range of 25tonne to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

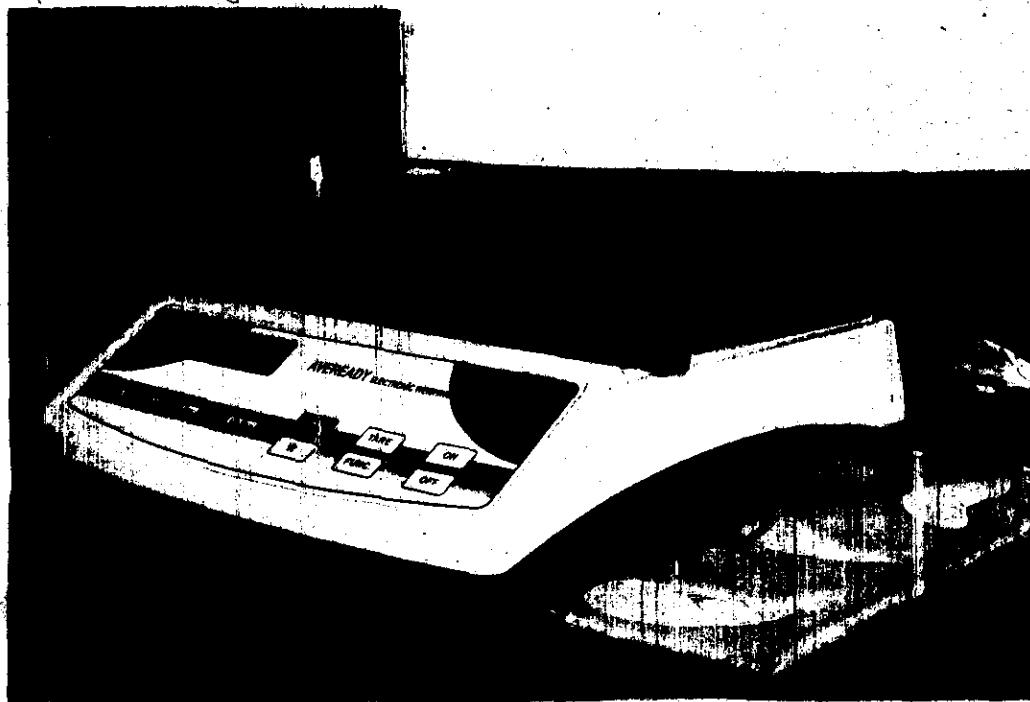
[F. No. WM-21 (84)/2008]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 2 जुलाई, 2008

का.आ. 2421.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एकरेडी स्केल इंडिया, जी-1/95, रिको इंडस्ट्रियल एरिया, कालाडेरा, जयपुर, राजस्थान द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) के 'ए.एस.आइ' शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबलटाप प्रकार) जिसके ब्रांड का नाम "एकरेडी" हैं (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी /09/08/90 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 250 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदान पर कार्य करता है।



मशीन को कपटपूर्ण उपयोग के लिए खोले जाने से रोकने के लिए तोलन स्केल के दाईं ओर स्टार्मिंग प्लेट पर सीसे की सील की जाएगी। सील करने के तार को शीर्ष पूर्ण पेंच तथा तोल स्केल के कवर आधार के चारों कोनों में डाली जाएगी तथा उसके उपरांत सीसा सील को उपयोग किया जाएगा। सील को तोड़े बिना उपकरण को खोला नहीं जा सकेगा। माडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^8 , 2×10^8 , 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(44)/2008]

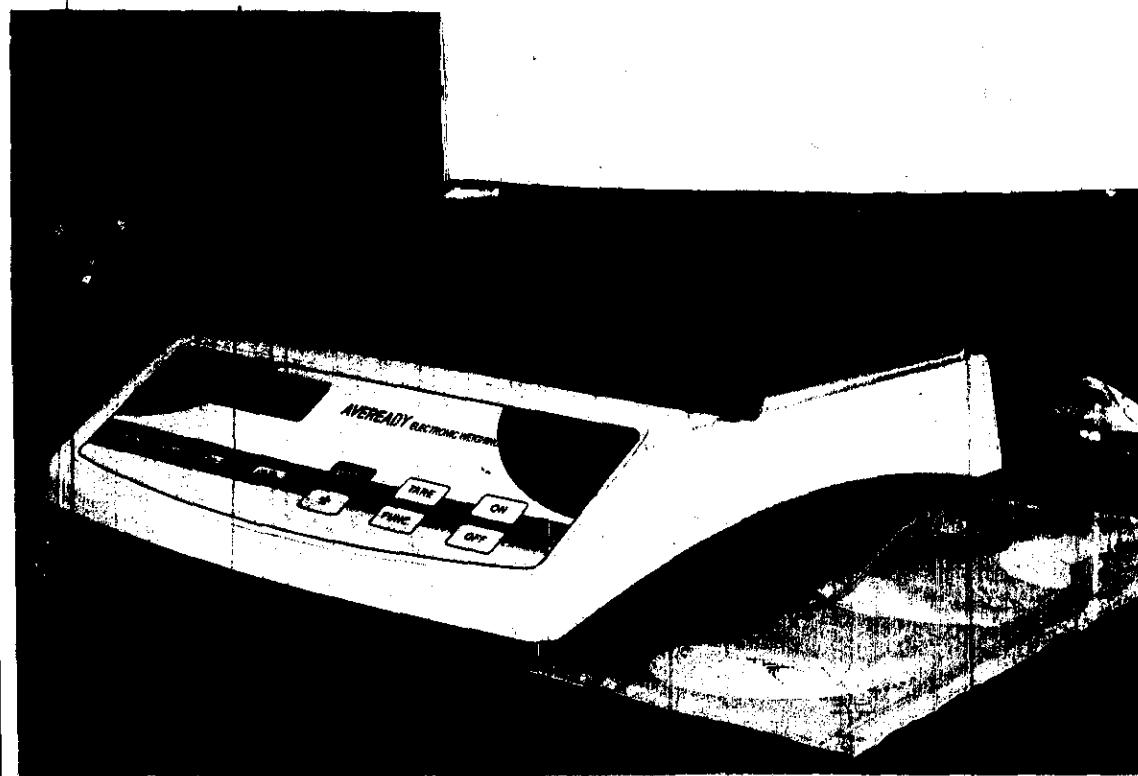
आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd July, 2008

S.O. 2421.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "ASI" and with brand name "AVEREADY" (hereinafter referred to as the said Model), manufactured by M/s. Aveready Scale India, G-1/95, RIICO Ind. Area, Kaladera, Jaipur, Rajasthan and which is assigned the approval mark IND/09/08/90;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30kg and minimum capacity of 250g. The verification scale interval (*e*) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Lead sealing is affixed on the stamping plate to avoid fraudulent use at the right side of the weighing scale. Sealing wire is passed through the head whole screw and the cover of the weighing scale at the four corners of the base and then lead seal is applied. The instrument cannot be opened without breaking the seals. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (*n*) in the range of 100 to 50,000 for '*e*' value of 1mg to 50mg and with verification scale interval (*n*) in the range of 5,000 to 50,000 for '*e*' value of 10⁰mg or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (44)/2008]

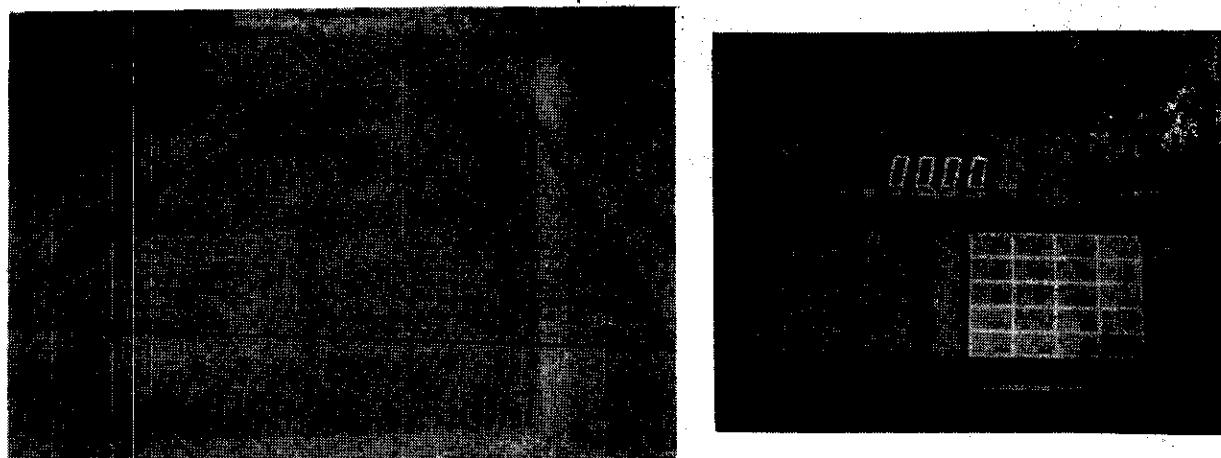
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 2 जुलाई, 2008

का.आ. 2422.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवैधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इनटेक, पहला तल, गुलाम अली बिल्डिंग, 152, थम्बु चेटी स्ट्रीट, चेन्नई-600096 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'आई एन एल-101' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के माडल को, जिसके ब्रांड का नाम "इंटेक" है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी 09/2008/91 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज अप्ररूपण तुलादण्ड प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 60 टन है और न्यूनतम क्षमता 400 कि.ग्राम है। सत्यापन मापमान अंतराल (ई) 20 कि.ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



सूचक के शीर्ष के सामने की ओर इसके आंतरिक केबिनेट और बाहरी कवर को काटते हुए दो छेद किए जाएंगे तथा इन छेदों के द्वारा स्थाप्त और सील का सत्यापन प्राप्त करने के लिए सीसायुक्त तार को कसा जाएगा। सीलों को तोड़े बिना सूचक को नहीं खोला जा सकेगा। मॉडल को सीलबंद करने के उपबंध का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माण द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मैक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या, 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. हब्ल्यू एम-21(17), 2008]

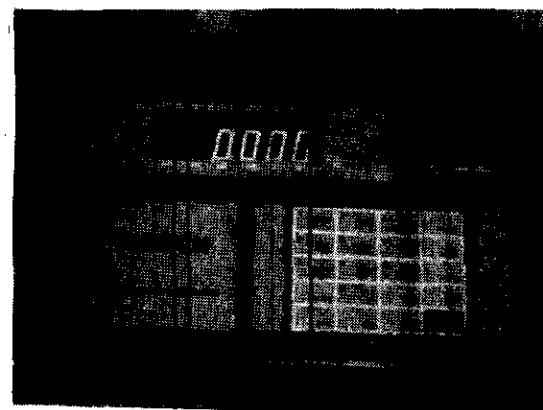
आर. माथुरबूथम निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd July, 2008

S.O. 2422.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) of series "INI-101" and with brand name "INTECH" (hereinafter referred to as the said Model), manufactured by M/s. Intech, 1st Floor, Ghulam Ali Bldg., 152, Thambu Chetty Street, Chennai-600 096 and which is assigned the approval mark IND/09/08/91;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 400kg. The verification scale interval (e) is 20kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



On the top front side of the indicator, two holes are made by cutting the inner cabinet and outer cover of the indicator and fastening a leaded wire through these holes for receiving the verification stamp and seal. The indicator can not be opened without tampering the seals. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 150tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (17)/2008]

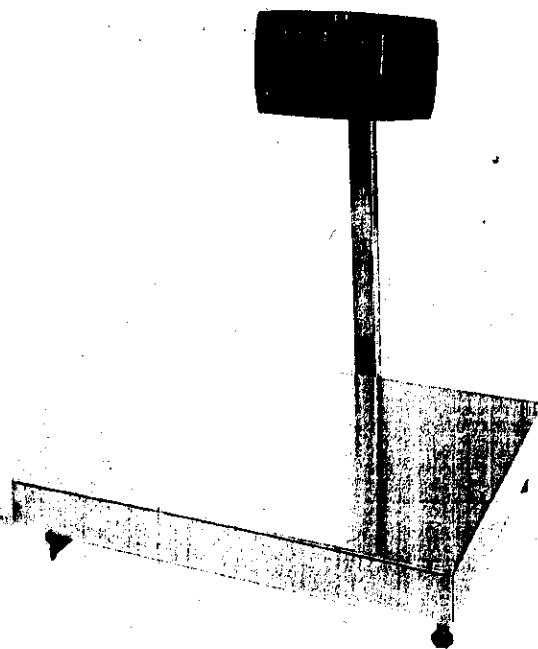
R. MATHURBOOTHIAM, Director of Legal Metrology

नई दिल्ली, 2 जुलाई, 2008

का.आ. 2423.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए मैसर्स अस्सिं इंजिनियरिंग प्रा.लि., 306, अनर्स इंडस्ट्रियल एस्टेट, ग्वारियल रोड, माहिम, मुंबई-400 016 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'ई-टीबी' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के माडल का, जिसके ओर उक्त का नाम "अस्सिं" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी /09/08/202 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



तुला के सामने वाली तरफ में ऊपरी टाप कवर और निचली प्लेट को काटकर दो छेद किए गए जिन्हें लीड तार सत्यापन स्टाम्प और सील प्राइंज करने के लिए बांधा गया है। उपकरण को सील से छेड़छाड़ किए बिना नहीं खोला जा सकता। माडल को सीलबंद करने का एक प्रसूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(83)/2008]

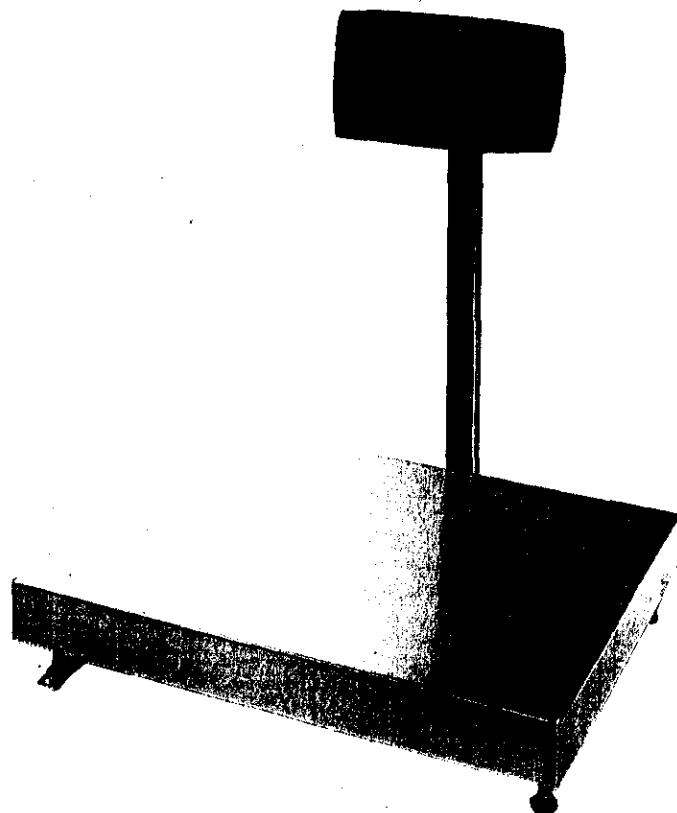
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd July, 2008

S.O. 2423. —Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "AE-TB" series of medium accuracy (accuracy class-III) and with brand name "ASSI" (hereinafter referred to as the said Model), manufactured by M/s. Assi Engineering Private Limited, 306, Owners Industrial Estate, Gabriel Road, Mahim, Mumbai-400 016 and which is assigned the approval mark IND/09/08/202;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg and minimum capacity of 100 kg. The verification scale interval (*e*) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



On the front left side of the balance 2 holes are made by cutting the front top cover and bottom plate which is fastened by a leaded wire for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (*n*) in the range of 100 to 10,000 for '*e*' value of 100 mg to 2g and with verification scale interval (*n*) in the range of 500 to 10000 for '*e*' value of 5 g or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21 (83)/2008]

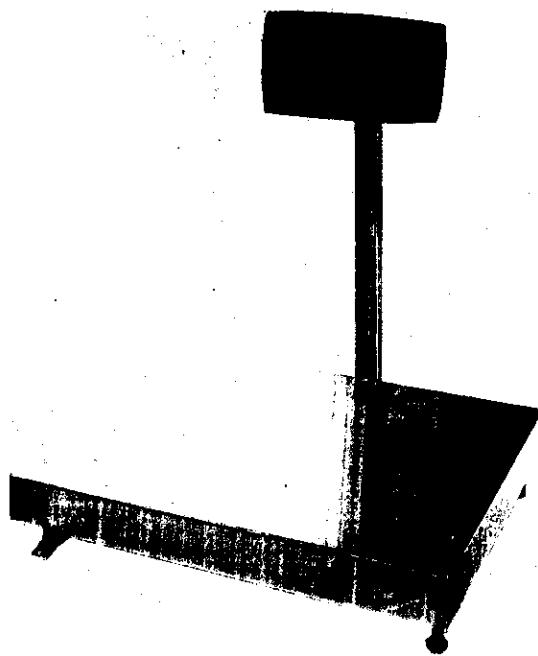
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 2 जुलाई, 2008.

का.आ. 2424.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अस्सिंजिनियरिंग प्रा.लि., 306, आनर्स इंडस्ट्रियल एस्टेट, गब्रियल रोड, माहिम, मुंबई-400 016 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले 'ई-टीपी' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अस्सि" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/08/201 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज़ प्रकार का भार सेल आरारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



तुला के सामने बाली तरफ में ऊपरी टाप कवर और निचली प्लेट को काटकर दो छेद किए गए जिन्हें लीड तार सत्यापन स्टाम्प और सील प्राइंज़ करने के लिए बांधा गया है। उपकरण को सील से छेड़लाइ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम-21(83)/2008]

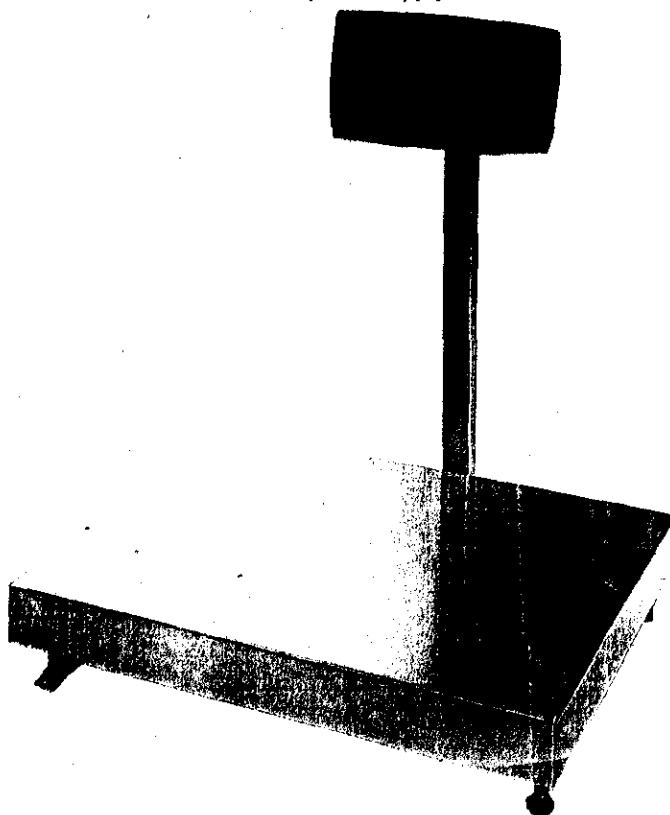
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd July, 2008

S.O. 2424.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy Class-II) of series "AE-TP" and with brand name "ASSI" (hereinafter referred to as the said Model), manufactured by M/s. Assi Engineering Private Limited, 306, Owners Industrial Estate, Gabriel Road, Mahim, Mumbai-400 016 and which is assigned the approval mark IND/09/08/201;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30 kg and minimum capacity of 100 kg. The verification scale interval (*e*) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



On the front left side of the balance 2 holes are made by cutting the front top cover and bottom plate which is fastened by a leaded wire for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (*n*) in the range of 100 to 50,000 for '*e*' value of 1 mg. to 50 mg. and with verification scale interval (*n*) in the range of 5000 to 50,000 for '*e*' value of 100 mg. or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (83) 2008]

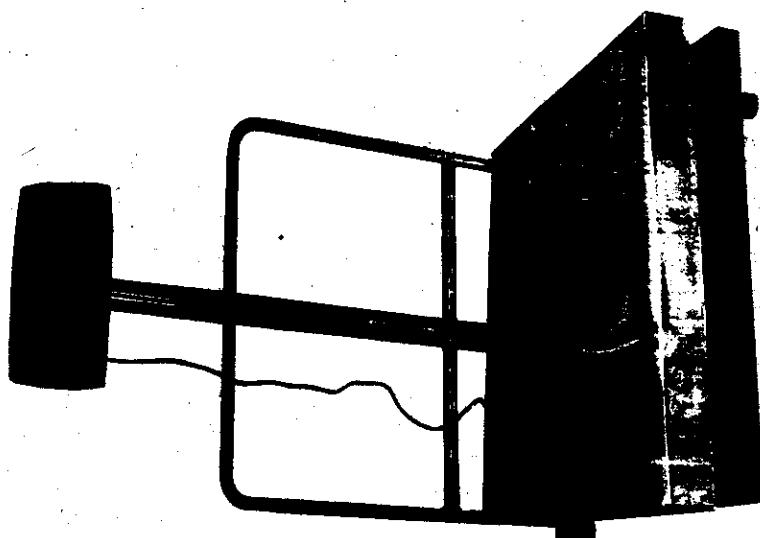
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 2 जुलाई, 2008

का.आ. 2425.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अस्सिं इंजिनियरिंग प्रा.लि., 306, आनर्स इंडस्ट्रियल एस्टेट, गव्हर्नर रोड, माहिम, मुंबई-400 016 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले 'ई-पीपी' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अस्सि" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/08/203 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन (प्लेटफार्म प्रकार) उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 500 ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक भारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



तुला के सामने वाली बाईं तरफ में ऊपरी टाप कवर और निचली प्लेट को काटकर दो छेद किए गए जिन्हें लीड तार सत्यापन स्टाम्प और सील प्राइंज करने के लिए बांधा गया है। उपकरण को सील से छेड़ छाड़ किए बिना नहीं खोला जा सकता। मॉडल को सीलबंद करने के उपबंध का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक याऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(83)/2008]

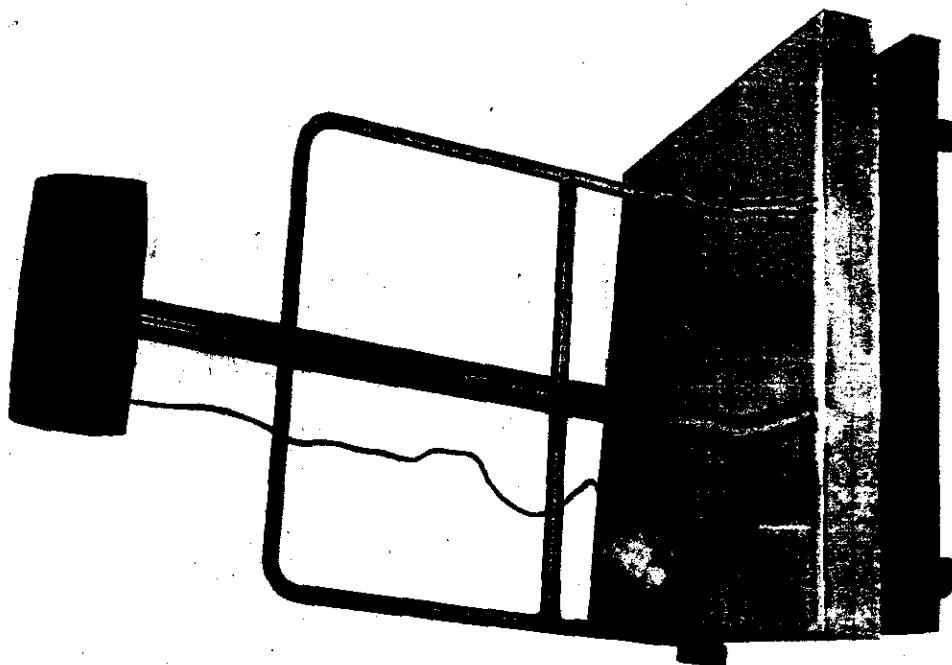
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd July, 2008

S.O. 2425.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of high accuracy (Accuracy Class-II) of series "AE--PP" and with brand name "ASSI" (hereinafter referred to as the said Model), manufactured by M/s. Assi Engineering Private Limited, 306, Owners Industrial Estate, Gabriel Road, Mahim, Mumbai-400 016 and which is assigned the approval mark IND/09/08/203;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 150 kg. and minimum capacity of 500 kg. The verification scale interval (*e*) is 10 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



On the front left side of the indicator of the balance 2 holes are made by cutting the front top cover and bottom plate which is fastened by a leaded wire for receiving the verification stamp and seal. The instrument can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities above 50 kg. and up to 5000 kg. with verification scale interval (*n*) in the range of 5000 to 50,000 for '*e*' value of 100 mg. or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

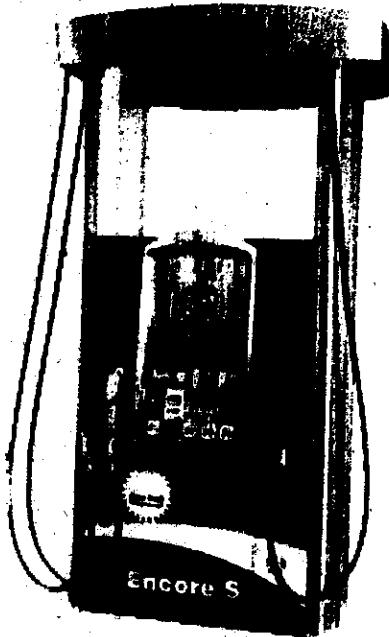
[F. No. WM-21 (83)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 2 जुलाई, 2008

का.आ. 2426.—केन्द्रीय सरकार का, विहित प्राधिकारी नीदरलैंड मीटिंगस्ट्रट (एन एम आई), नीदरलैंड द्वारा जारी मॉडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम के तीसरे परन्तुक की उपधारा (3) और धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गिलबारको जिम्ब एच एंड कं., फर्निनेड-हेज-स्ट्रेब 9, 33154 साल्जकॉटन, जर्मनी द्वारा विनिर्मित भोटर वाहनों के लिए फ्यूल डिस्पेंसर, यथार्थता श्रेणी 0.5 के जिसके ब्रांड का नाम “इनकोर” है अंकक सूचन सहित (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और भारत में बिना किसी परिवर्तन या परिवर्धन के मैसर्स सूमो हाई टैक मार्केटिंग प्रा.लि., 406, अधिकेक, आफ लिंक रोड, अंधेरी पश्चिम, मुंबई-400 058 द्वारा बिक्रित और जिसे अनुमोदन चिह्न आई एन डी /13/07/545 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



ई-केल मीट को सी पी यू बोर्ड पर लगे अंशांकन स्विच के द्वारा इलैक्ट्रॉनिक रूप से अंशकृति किए जाते हैं। मीटिंग इकाई के अंशांकन के बाद स्विच को एक “कैप” के द्वारा संरक्षित किया जाता है जो बोर्ड पर लगा होता है और इसे बाद में विनियामक प्राधिकारियों द्वारा सील बंद किया जाएगा। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम आकृति 2 में दिया गया है।

माडल की तकनीकी विशेषताएं निम्नानुसार है :-

अधिकतम प्रवाह दर	-40 लिटर/मिनट से 130 लिटर/मिनट
न्यूनतम प्रवाह दर	-1.6 लिटर/मिनट से 8 लिटर/मिनट
अधिकतम आयतन इंडिकेशन	-9999.99 लिटर
अधिकतम इकाई मूल्य	-4 अंक
भुगतान करने हेतु अधिकतम मूल्य	-6 अंक
यथार्थता श्रेणी	-0.5
तापमान रेंज	-30° सैल्सियस से 55° सैल्सियस
द्रव की प्रकृति	-द्रव अवस्था में सभी द्रव पेट्रोलियम और रसायन उत्पाद।

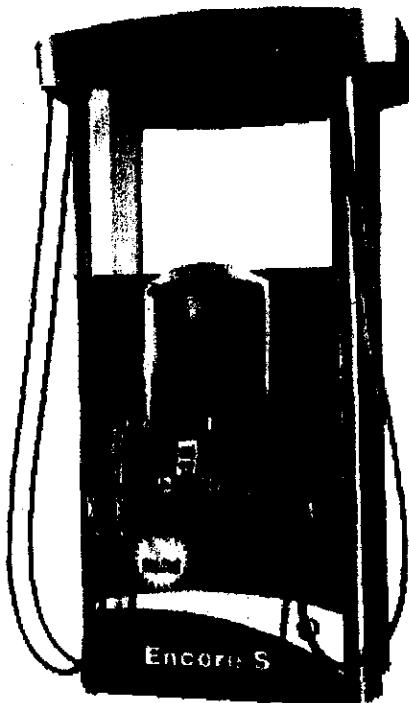
[फा. सं. डब्ल्यू एम-21(238)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd July, 2008

S.O. 2426.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Nederlands Meetinstitutt (NMI) Netherlands, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section 3 and sub sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of the Fuel Dispenser for Motor Vehicles, of Brand "ENCORE" of accuracy class 0.5 with digital display (hereinafter referred to as the said Model), manufactured by M/s. Gilbarco GmbH & Co. KG, Ferdinand-Henze-Strabe 9, 33154 Salzkotten, Germany and sold in India without any alteration and addition before or after sale by M/s. Sumo High Tech Marketing P. Limited, 406, Abhishek, Off Lingk Road, Andheri W, Mumbai-400 058 and which is assigned the approval mark IND/13/07/545;



The E-Cal meters are calibrated electronically through calibration switch mounted on the CPU Board. After calibration of metering unit the switch is protected by a "Cap" fitted on the board which is subsequently sealed by "Regulatory Authorities". A typical schematic diagram of sealing provision of the model is given in Fig. 2. The technical features of the model are as follows :

Maximum flow rate	—40 litre/minute to 130 litre/minute
Minimum flow rate	—1.6 litre/minute to 8 litre/minute
Maximum volume indication	—9999.99 Litre
Maximum unit price	—4-Digits
Maximum price to pay	—6-Digits
Accuracy Class	—0.5
Temperature range	—30°C to 55°C
Nature of liquid	—All liquid petroleum and chemical products in liquid state.

[F. No. WM-21(238)/2007]

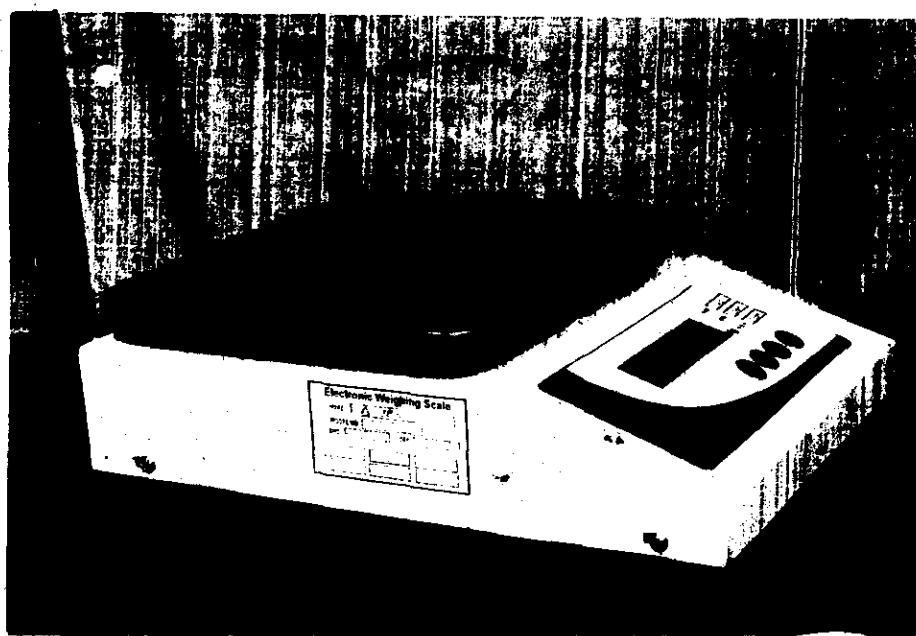
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 जुलाई, 2008

का.आ. 2427.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसेस इलेक्ट्रोनिक्स, #42-499/1ए, कनैटी विद्या भवन के साथ (जैवियर) हाई स्कूल, गायत्री नगर, ई सी आई एल पोस्ट, हैदराबाद-500062 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले 'ई एस-1' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के माडल का, जिसके ब्रांड का नाम "एक्सेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/08/54 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मशीन को सील करने के लिए बाट्टम प्लेट और आउटर कवर में दो छेद करके, स्टाम्प और सील के सत्यापन के लिए इन्हें लीड वायर से कस कर बाँध दिया जाता है। सील तोड़े बिना मशीन को खोला नहीं जा सकता। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माण द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के 'ई' मान के लिए 100 से 50,000 की रेंज में और 100 मि.ग्रा. अथवा उससे अधिक के "ई" मान के लिए 5000 से 50,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 , अथवा 5×10^4 , के हैं, जहाँ पर 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(13)/2008]

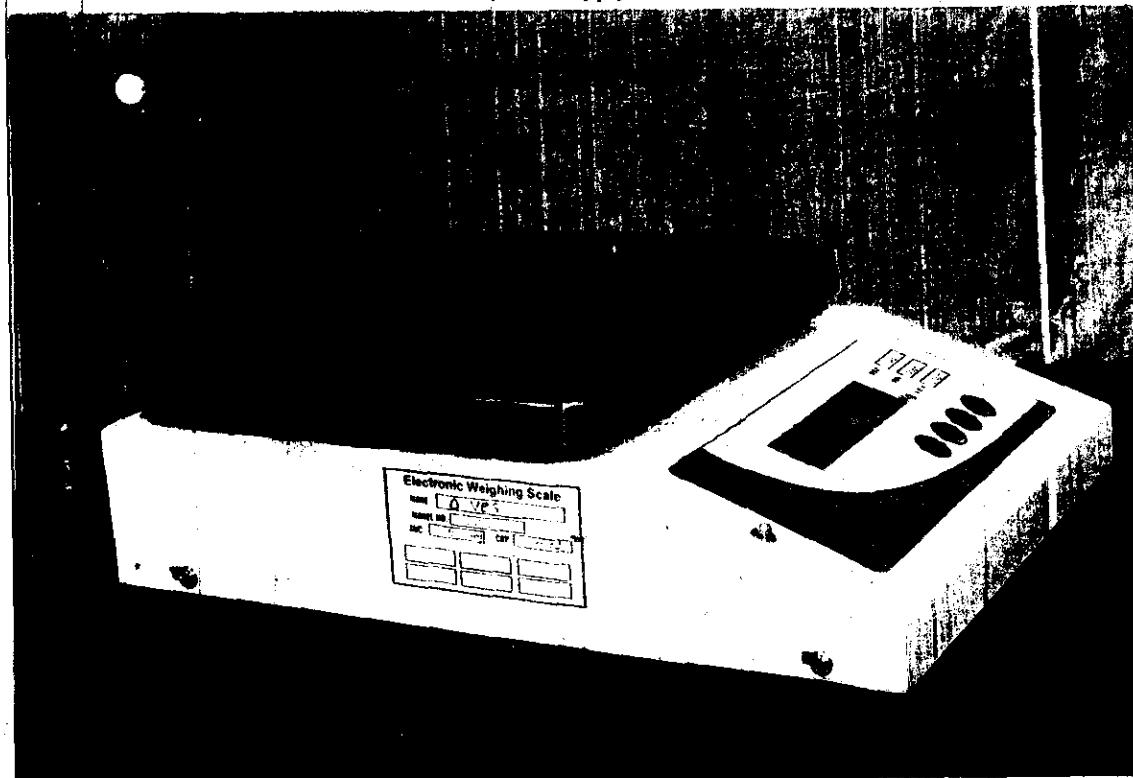
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th July, 2008

S.O. 2427.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy Class-II) of series "ES-1" and with brand name "EXCEL" (hereinafter referred to as the said Model), manufactured by M/s. Esses Electronics, # 42-499/1A, Beside Kenady Vidya Bhavan (Xavier) High School, Gayathri Nagar, E.C.I.L. Post, Hyderabad-500 062 and which is assigned the approval mark IND/09/08/54;

The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 10% per cent subtractive retained tare effect. The Light-Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



For sealing the machine two holes are made in the bottom plate and outer cover and then fastened by a leaded wire for receiving the verification stamp and seal. The machine cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[I. No. WM-21 (13)/2008]

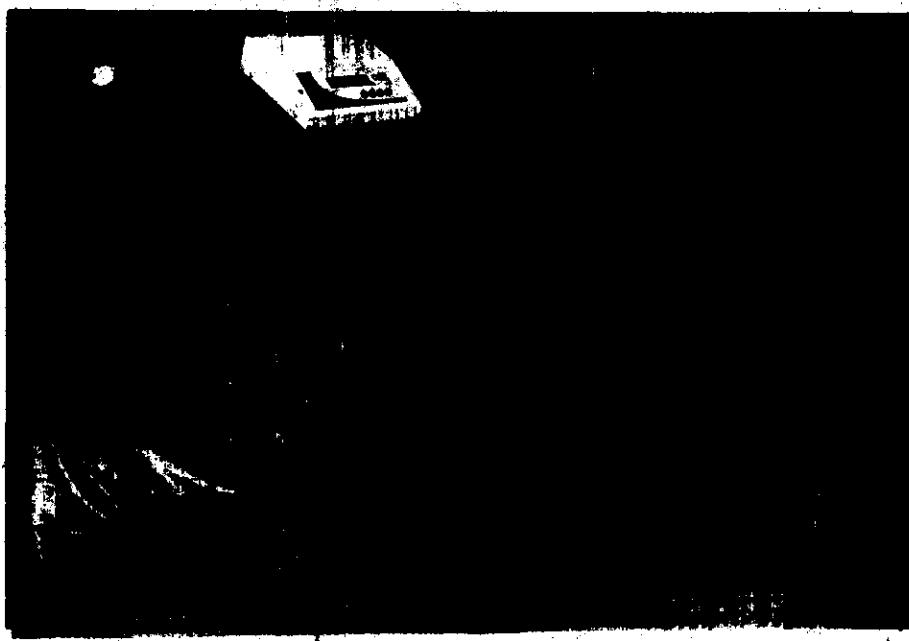
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 जुलाई, 2008

का.आ. 2428.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करते के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इसेस इलेक्ट्रोनिक्स, #42-499/।ए, कैनैडी विद्या भवन के साथ (जेवियर) हाई स्कूल, गायत्री नगर, ई सी आई एल एस्ट, हैदराबाद-500062 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'ई एस-3' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का, जिसके ब्रांड का नाम "एक्सेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/56 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मशीन को सील करने के लिए बाटम प्लेट और आउटर कवर में दो छेद करके, स्टाम्प और सील के सत्यापन के लिए इन्हें लीड बायर से कस कर बाँध दिया जाता है। सील तोड़े बिना मशीन को खोला नहीं जा सकता। माडल के सीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 , अथवा 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(13)/2008]

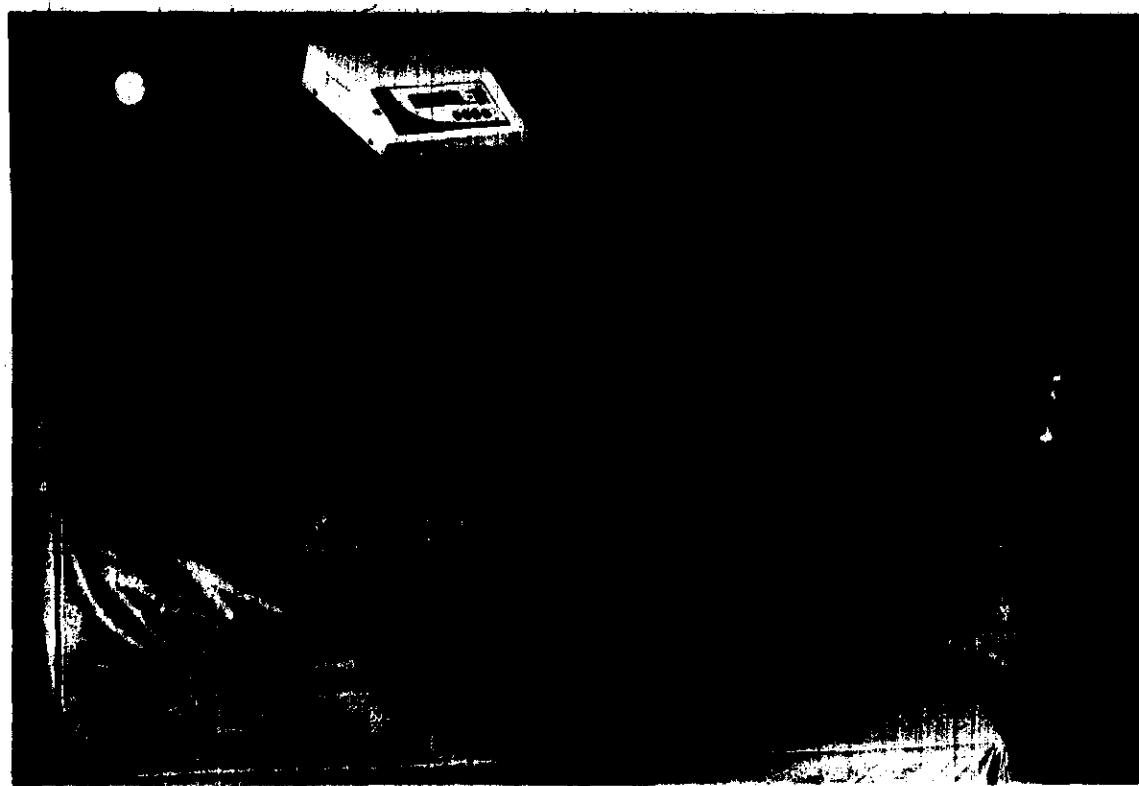
आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th July, 2008

S.O. 2428.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy Class-III) of series "ES-3" and with brand name "EXCEL" (hereinafter referred to as the said model), manufactured by M/s. Esses Electronics, # 42-499/1A, Beside Kenady Vidya Bhavan (Xavier) High School, Gayathri Nagar, E.C.I.L. Post, Hyderabad-500 062 and which is assigned the approval mark IND/09/08/56;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



For sealing the machine two holes are made in the bottom plate and outer cover and then fastened by a leaded wire for receiving the verification stamp and seal. The machine can not be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (13)/2008]

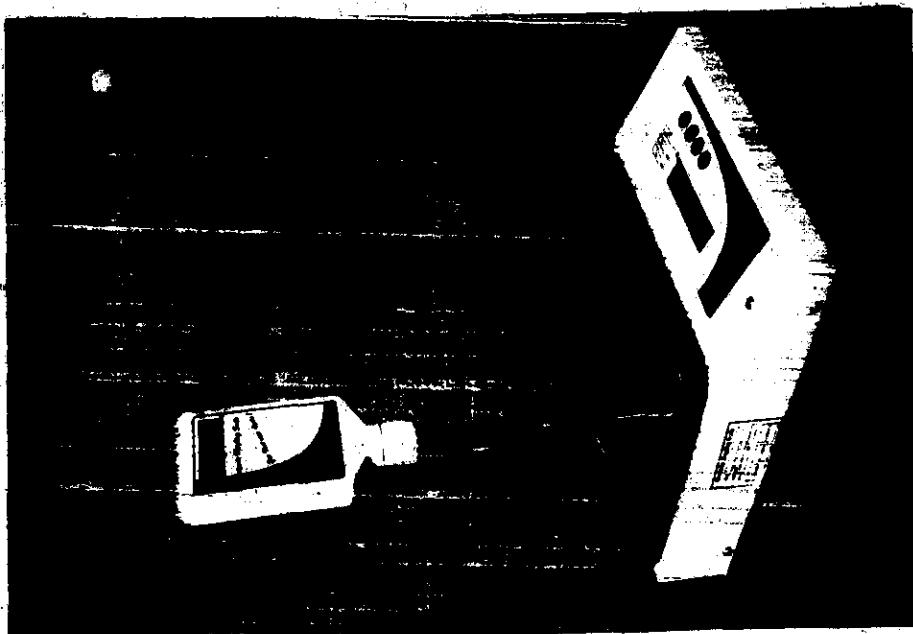
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 17 जुलाई, 2008

का.आ. 2429.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स इसेस इलेक्ट्रोनिक्स, #42-499/1ए, कनैडी विद्या भवन के साथ (जेवियर) हाई स्कैल, गायत्री नगर, ई सी आई एल पोस्ट, हैदराबाद-500062 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'ई एस-2' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एक्सेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/55 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धरित आधेयतुलन प्रभाव है। प्रकाश उत्पर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



मशीन को सील करने के लिए बाटम प्लेट और आडटर कवर में दो छेद करके, स्टाम्प और सील के सत्यापन के लिए इन्हें लीड वायर से कस्त कर बाँध दिया जाता है। सील तोड़े बिना मशीन को खोला नहीं जा सकता। मॉडल के सीरीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k , 2×10^k , अथवा 5×10^k , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(13)/2008]

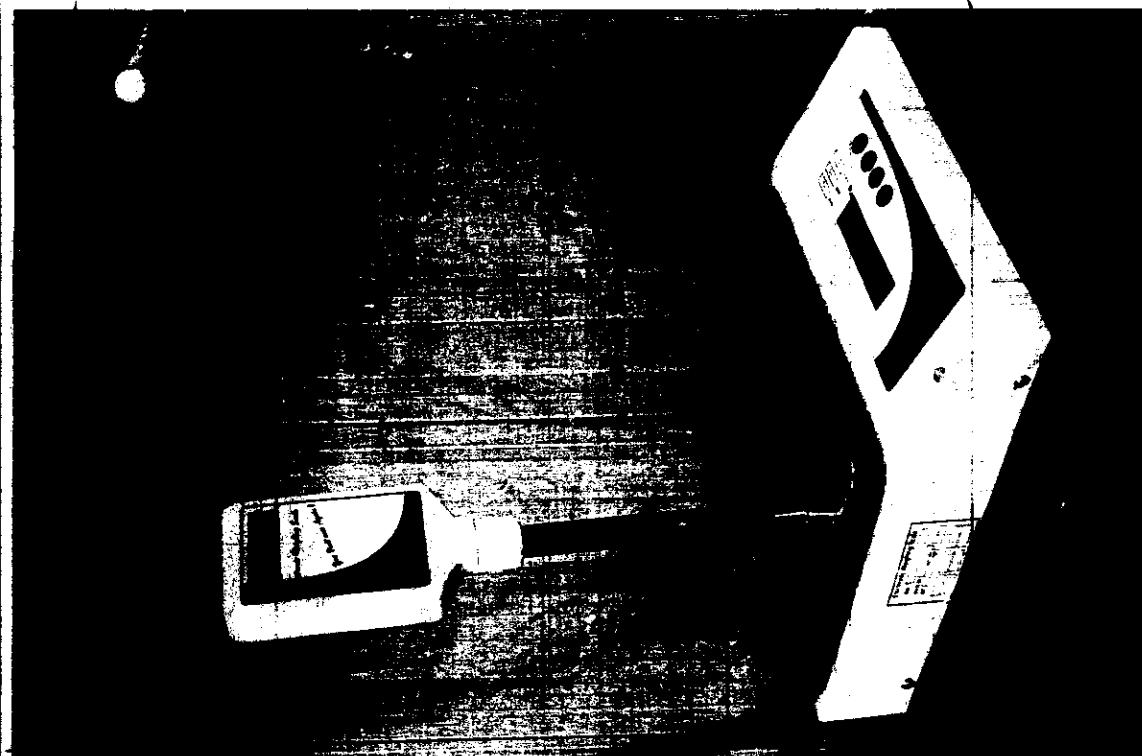
आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th July, 2008

S.O. 2429.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "ES-2" series of medium accuracy (Accuracy class-III) and with brand name "EXCEL" (hereinafter referred to as the said model), manufactured by M/s. Esses Electronics, # 42-499/1A, Beside Kenady Vidya Bhavan (Xavier) High School, Gayathri Nagar, E.C.I.L. Post, Hyderabad-500 062 and which is assigned the approval mark IND/09/08/55;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (*e*) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



For sealing the machine two holes are made in the bottom plate and outer cover and then fastened by a leaded wire for receiving the verification stamp and seal. The machine cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities above 50kg with verification scale interval (*n*) in the range of 100 to 10,000 for '*e*' value of 100mg to 2g and with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (13)/2008]

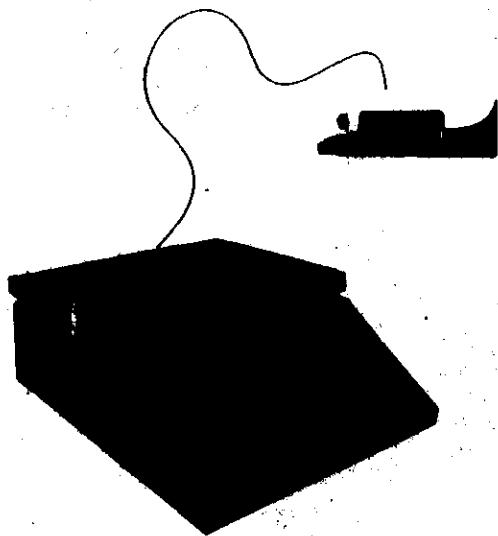
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 जुलाई, 2008

का.आ. 2430.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स इलैक्ट्रो इंडिया स्केल, मार्फत रामाप्पा बाबासाब बेवानूर, एट पोस्ट-शिवापुर, तालुक अथानी, जिला बेलगाम-591232 कर्नाटक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'ईआईटीडब्ल्यू' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "हाई प्रिसीजन" है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/08/177 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम* क्षमता 10 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन भापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत-पर कार्य करता है।



सूचक को सील करने के लिए बाईं और बाहरी कवर और तल प्लेट को काटते हुए दो छेद किए जायेंगे तथा स्टाम्प सील का सत्यापन प्राप्त करने के लिए एक सीसादार तार से कसी जायेगी। सील को तोड़ बिना उपकरण को नहीं खोला जा सकेगा। मॉडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन भापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन भापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^8 , 2×10^8 , अथवा 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(46)/2008]

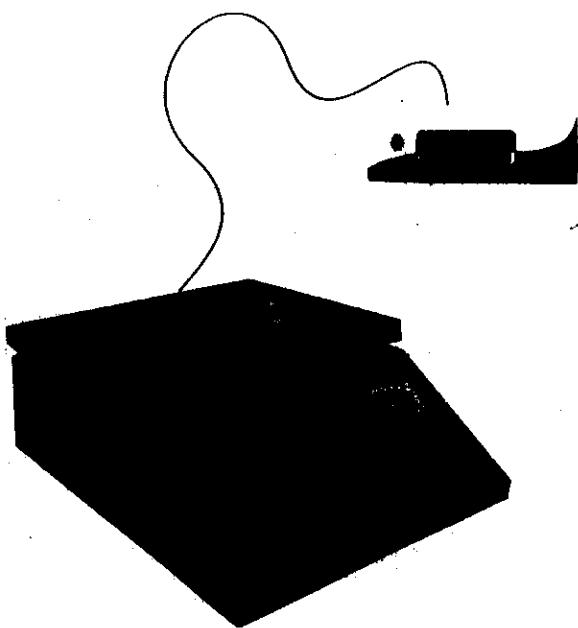
आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd July, 2008*

S.O. 2430.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of medium accuracy (Accuracy-III) of series "EITW" and with brand name "HIGH PRECISION" (hereinafter referred to as the said model), manufactured by M/s. Electro India Scale, C/o Ramappa Babasab Bevanur, At Post-Shivapur, Taluk Athani, Distt. Belgaum-591 232, Karnataka and which is assigned the approval mark IND/09/08/177;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 10kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



For sealing the balance, from left side two holes are made by cutting the outer cover and bottom plate and fastened by a leaded wire for receiving the verification stamp seal. The instrument cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (46)/2008]

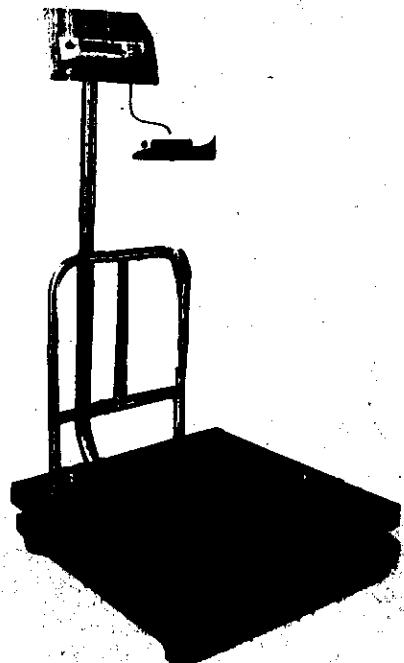
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 22 जुलाई, 2008

का.आ. 2431.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इलैक्ट्रो इंडिया स्केल, मार्फत राष्ट्रीय बाबासाह बेवानुर, एट पोस्ट-शिकायुर, तालुक अथानी, जिला बेलगम-591232 कर्ताक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “इआईपीडब्ल्यू” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “हाई प्रिसीजन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/08/178 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



सूचक को सील करने के लिए बाईं और बाहरी कवर और तल प्लेट को काटते हुए दो छेद किए जायेंगे तथा स्टाम्प सील का सत्यापन प्राप्त करने के लिए एक सीसादार तार से कसी जायेगी। सील को तोड़ बिना उपकरण को नहीं खोला जा सकेगा। मॉडल को सीलबंद करने का एक प्रारूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेंक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 , अथवा 5×10^3 , के हैं, जो धूनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(46)/2008]

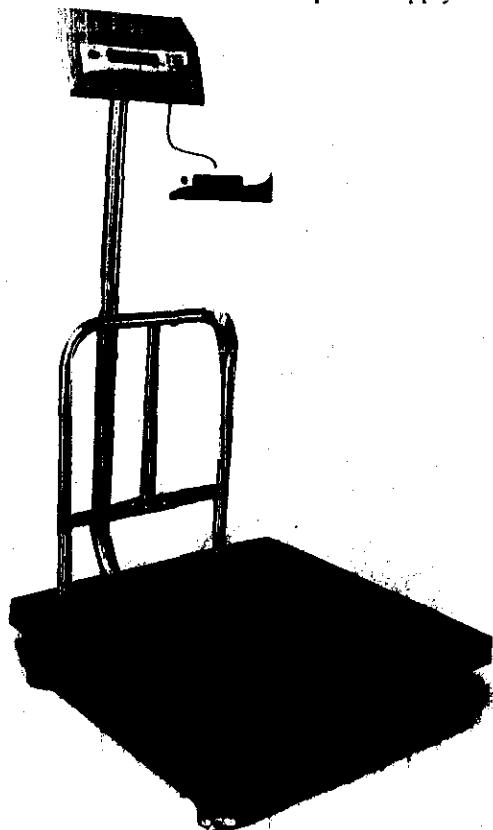
आर. माथुरवृथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd July, 2008

S.O. 2431.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class -III) of series "EIPW" and with brand name "HIGH PRECISION" (hereinafter referred to as the said model), manufactured by M/s. Electro India Scale, C/o Ramappa Babasab Bevanur, At Post-Shivapur, Taluk Athani, Distt. Belgaum-591 232, Karnataka and which is assigned the approval mark IND/09/08/178;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 4g. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



For sealing the indicator, from left side two holes are made by cutting the outer cover and bottom plate and fastened by a leaded wire for receiving the verification stamp and seal. The instrument cannot be opened without tampering the seal. A typical schematic diagram of scaling provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities above 50kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (46)/2008]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 13 अगस्त, 2008

का.आ. 2432.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई 14149:2008/ISO 3543:2000-धात्विक और अधात्विक लेपन-मोटाई का मापन-वीटा पश्च प्रकीर्णन पद्धति (पहला पुनरीक्षण)	आई 14149:1994/ आई एस ओ 3543:1981	31 जुलाई, 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनंतपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 24/टी-138]

डॉ. (श्रीमती) स्नेह भाटला, वैज्ञानिक एफ एवं प्रमुख (एमटीडी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 13th August, 2008

S.O. 2432.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 14149:2008/ISO 3543:2000-Metallic and Non-metallic Coating-Measurement of thickness-Beta Backscatter Method (First Revision)	IS 14149:1994/ISO 3543:1981	31 July, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolcutta, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 24/I-138]

DR. (MRS.) SNEH BHATLA, Scientist 'F' & Head (Met. Engg.)

नई दिल्ली, 19 अगस्त, 2008

का.आ. 2433.—भारतीय मानक व्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक व्यूरो एवं द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा.मा. संख्या	भाग अनुभाग	वर्ष	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7839296	25-04-2008	श्री अकुआटक स.न. 163, दुकान नं. ए-1 और ए-2, मीरा लॉजिस्टिक्स एंड वेयर हाउसिंग एट पोस्ट फुरसुंगी, तालुका हवेली, जिला पुणे-412308	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543		2004	
2.	7839397	28-04-2008	सिद्धार्थ मिल्क फूड्स. (इंडिया) प्रा. लि. प्लॉट नं. 39ए, सेक्टर जे, फेज-4, पर्वती को-ऑपरेटिव इंड. इस्टेट एट पोस्ट याद्रव, तालुका शिरोल, जिला कोल्हापुर-416145	मलाई निकाला हुआ दूध पावडर भाग । मानक श्रेणी	13334	1	1998	
3.	7839603	29-04-2008	लोकमंगल मौली ज्वैलर्स प्रा. लि. 215/18, वेस्ट मंगलवार पेठ मंगलवार पेठ पुलिस चौकी के पास जिला सोलापुर-413002	स्वर्ण और स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता और चिह्नांकन	1417		1999	
4.	7840281	30-04-2008	बोथरा एग्रो इक्यूपर्मेंट्स प्रा. लि. प्लॉट नं. बी-16, एम आय डी सी नगर-अनमाड रोड, अहमदनगर-414111	सिंचाई उपकरण-सिंप्रकलर पाईप्स भाग 2 शीघ्र जोड़ पॉलिथिलीन पाईप्स	14151	2	1999	
5.	7840382	30-04-2008	फिनोलेक्स इंडस्ट्रीज लिमिटेड (उरसे पाइप डिवीजन) गट संख्या-399, गांव उरसे, तालुका मावल, जिला पुणे-410506	मिट्टी एवं अपशेष निकासी प्रणाली अंतरिक भवनों के लिए वायुसंचार तथा वर्षा जल प्रणाली सहित	13592		1992	
6.	7840786	30-04-2008	फिनोलेक्स इंडस्ट्रीज लिमिटेड (उरसे पाइप डिवीजन) गेट यंछ्या-399, गांव उरसे तालुका मावल जिला पुणे-410506	पेयजल आपूर्ति के लिए यूपीबीसी पाईप्स	4985		2000	
7.	7840685	09-05-2008	इको इंडस्ट्रीज गट संख्या 315/2, प्लॉट नं. 17, शौ को-ऑपरेटिव इंड इस्टेट, तालुका शिरोल, जिला कोल्हापुर-416103 के एम री रोल्स प्रा. लि.	पैकेजबंद पेयजल (पैकेजबंद प्राकृतिक मिनरल जल के अलावा)	14543		2004	
8.	7842790	13-05-2008	डी-56, अतिरिक्त एमआयडीसी जिला जालना-431203	कांक्रीट री इन्फोर्मेंट के लिए उच्च शक्ति विरूपित स्टील की छड़ें व तारें	1786		1985	
9.	7843287	14-05-2008	शा गुलबाजी हिंदुजा एंड कंपनी 611, शनिवार पेठ, 501 पाटी के पास जिला सातारा-415002	स्वर्ण और स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता और चिह्नांकन	1417		1999	
10.	7843489	14-05-2008	श्रीपाद शंकर नगरकर 1160, बुधवार पेठ, तुलसीबाग लेन जिला पुणे-411002	स्वर्ण और स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता और चिह्नांकन	1417		1999	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
11.	7844188	29-04-2008	अर्टिकेंड फुटवियर प्रा. लि. प्लॉट नं. सी-35, एमआयडीसी नगर मनमाड रोड, जिला अहमदाबाद-414111	व्यावसायिक उपयोग के लिए सुरक्षित, संरक्षी और नौकरी पेशा फुटवियर भाग 2: सुरक्षित फुटवियर के लिए विशिष्टियाँ	15298	2	2002	
12.	7844895	22-05-2008	श्री वर्धमान जैलसर्स 59, न्यू मार्केट बाजार, खड़की जिला पुणे-411003	स्वर्ण और स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी-शुद्धता और चिह्नांकन	1417		1999	

[सं. सीएमडी/13: 11]
पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 19th August, 2008

S.O. 243.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

Sl. No.	Licence No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Section	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7839296	25-4-2008	Shree Aquatech S.No: 163, Shop No. A1 & A2 Meera Logistics & Ware- housing At Post Phursungi Taluka Haveli District Pune-412308	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
2.	7839397	28-4-2008	Siddharth Milk Food (I) Pvt. Ltd., Plot No. 39A, Sector J, Phase IV, Parvati Co-Op Indi. Estate At Post Yadav Taluka Shirgaon, District Kolhapur-416145	Skimmed milk powder Part I Standard grade	13334	1		1998
3.	7839603	29-4-2008	Lokmangal Mauli Jewellers Pvt. Ltd., 215/18, West Mangalwar Peth Near Mangalwar Peth Police Chowky District Sholapur-413002	Gold and gold alloys, jewellery/artefacts- Fineness and marking	1417			1999
4.	7840281	30-4-2008	Bothara Agro Equipments Pvt. Ltd., Plot No. B-16, MIDC Nagar-Manmad Road, Ahmednagar-414111	Irrigation equipment - Sprinkler pipes Part 2 Quick coupled poly- ethylene pipes	14151	2		199
5.	7840382	30-4-2008	Finolex Industries Ltd. (Urse Pipe Division) Gat No: 399, Village Urse Taluka Maval District Pune-410506	UPVC pipes for soil and waste discharge systems inside buildings including ventilation and rain water system	135.2			1992
6.	7840786	30-4-2008	Finolex Industries Ltd., (Urse Pipe Division) Gat No. 399, Village Urse Taluka Maval District Pune-410506	UPVC pipes for potable water supplies	4985			2000

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
7.	7840685	9-5-2008	Eco Industries Gat No. 315/2, Plot No. 17 Shau Co-op Indl. Estate Taluka Shiröl, District Kolhapur-416103	Packaged drinking water (Other than packaged natural mineral water)	14543			2004
8.	7842790	13-5-2008	K.M. Re-Rolls Pvt. Ltd. D-56, Addl MIDC District Jalna-431203	High strength deformed steel bars and wires for concrete reinforcement	1786			1985
9.	7843287	14-5-2008	Sha Gulbaji Hinduji & Company 611, Shaniwar Peth, Near 501 Pati District Satara-415002	Gold and gold alloys, jewellery artefacts - Fineness and marking	1417			
10.	7843489	14-5-2008	Shripad Shankar Nagarkar 1160, Budhear Peth Tulsibag lane District Pune-411002	Gold and gold alloys, jewellery/artefacts - Fineness and marking	1417			1999
11.	7844188	29-4-2008	Arvind Footwear Pvt. Ltd. Plot No. C-35, MIDC Nagar Manmad Road District Ahmednagar-414111	Safety, Protective and Occupational Footwear for Professional use - Part 2 : specification for Safety Footwear	15298	2		2002
12.	7844895	22-5-2008	Shree Vardhaman Jewellers 59, New Market Bazar Khadki, District Pune-411003	Gold and gold alloys, jewellery/artefacts - Fineness and marking	1417			1999

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 19 अगस्त, 2008

का.आ. 2434.—भारतीय मानक व्यूरो नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एवं द्वारा, अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	IS 1448 [P 82] 2008/ISO 3830 : 1993 पेट्रोलियम और उसके उत्पादों की परीक्षण पद्धति [पी 82] पेट्रोलियम उत्पाद-गैसोलीन में सीसे का अंश जात करना-आयोडीन मोनोक्लोराइड पद्धति (पहला पुनरीक्षण)	कुछ नहीं	जुलाई 2008
2.	IS 1571 2008 विमानन में प्रयुक्त टरबाइन ईधन, मिट्टी के तोल टाइप जेट ए-1 विशिष्ट (आठवां पुनरीक्षण)	कुछ नहीं	अगस्त 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिस्कनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पीसीडी/जी-7 (गजट)]

डॉ. (श्रीमती) विजय मलिक, निदेशक एवं प्रमुख (पीसीडी)

New Delhi, the 19th August, 2008

S.O. 2434.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year and title of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 1448 [P:82] 2008 methods of test for petroleum and its products [P 82] Petroleum products - Determination of lead content of gasoline-Iodine monochloride method (First Revision)	None	July 2008
2	IS 1571: 2008 Aviation turbine fuels, kerosine type, jet A-1-Specification (Eighth Revision)	None	August 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: PCD/G-7 (Gazette)]
DR. (MRS.) VIJAY MALIK, Director & Head (PCD)

नई दिल्ली, 20 अगस्त, 2008

का.आ. 2435.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम सं.	लाइसेंस सं.	चालू तिथि	लाइसेंसधारी का नाम व. पता	भारतीय मानक का शीर्षक व संबंधित भारतीय मानक
मई 2008				
1.	8929710	26-04-2008	मैसर्स केईआई इण्डस्ट्रीज लिमिटेड एसपी-919, 920, 922, फेज-11, रीको औद्योगिक क्षेत्र भिवाडी-301019, जिला अलवर (राजस्थान)	14255 : 1995 एरियल बन्ड केबल्स
2.	8930691	02-05-2008	मैसर्स मोहन लाल महेन्द्र कुमार ज्वैलर्स 223, जौहरी बाजार, जयपुर-302003 (राजस्थान)	02112 : 2003 रजत आभूषणों की हॉलमार्किंग
3.	8928809	26-04-2008	मैसर्स मोहन लाल महेन्द्र कुमार ज्वैलर्स, 223, जौहरी बाजार, जयपुर-302003 (राजस्थान)	01417 : 1999 स्वर्णाभूषणों की हॉलमार्किंग
4.	8935402	23-05-2008	मैसर्स प्रोटैक गैल्वेनाईजर्स एण्ड फैब्रिकेटर्स प्रा. लि. बी-815 ए, फेज-11, रीको औद्योगिक क्षेत्र, भिवाडी-301019, जिला अलवर (राजस्थान)	12427 : 2001 हैक्सागन हैड ट्रांसमीशन टॉवर बोल्ट्स

5.	8934396	15-05-2008	मैसर्स सैटेलाइट केबल्स प्रा. लि. एफ-626, औद्योगिक क्षेत्र, फेज-1, भिवाडी-301019, जिला अलवर (राजस्थान)	07098 (भाग 1) : 1988 एक्सेलप्राइ इन्डुस्ट्रीटेक पीबीसी केबल्स
6.	8932190	09-05-2008	मैसर्स सुषाप उद्योग प्लॉट नं. ढी, स्पेशल रोड नं. 1, औद्योगिक सम्पदा 22 गोदाम, जयपुर-302006 (राजस्थान)	14255 : 1995 एरियल बन्ड केबल्स
7.	8928607	26-04-2008	मैसर्स सुदर्शन इण्डस्ट्रीज प्लॉट नं. एच-321 (डी) आई.पी.आई. एसिया, रोड नं. 6, कोटा-324005 (राजस्थान)	14543 : 2004 पैकेज्ड ड्रिंकिंग बॉटर
8.	8935503	21-05-2008	मैसर्स वक्रांगी ड्रिंकिंग बॉटर इण्डस्ट्रीज जी 1-142 (ए), कुबेर औद्योगिक क्षेत्र, रणपुर, कोटा-325004 (राजस्थान)	14543 : 2004 पैकेज्ड ड्रिंकिंग बॉटर

[सं. सीएमडी/13 : 11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 20th August, 2008

S.O. 2436.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No. (CM/L.)	Operative Date	Name and Address of the Licensee	Article/Process Covered by the licences and the relevant IS: Designation
MAY 2008				
1.	8929710	26-04-2008	M/s. KEI Industries Limited SP-919, 920, 922 Phase-III, RIICO Industrial Area Bhiwadi-301019 Distt. Alwar (Rajasthan)	14255 : 1995 Aerial Bunched Cables
2.	8930691	02-05-2008	M/s. Mohan Lal Mahendra Kumar Jewellers 223, Johari Bazar, Jaipur-302003 (Rajasthan)	02112 : 2003 Hallmarking of Silver Jewellery
3.	8928809	26-04-2008	M/s. Mohan Lal Mahendra Kumar Jewellers 223, Johari Bazar, Jaipur-302003 (Rajasthan)	01417 : 1999 Hallmarking of Gold Jewellery
4.	8935402	23-05-2008	M/s. Protech Galvanisers & Fabricators Pvt. Ltd. B-815 A, Phase-II, RIICO Industrial Area, Bhiwadi-301019 Distt. Alwar (Rajasthan)	12427 : 2001 Hexagon Head Transmission Tower Bolts
5.	8934396	15-05-2008	M/s. Satellite Cables Private Limited F-626, Industrial Area Phase-1, Bhiwadi-301019 Distt. Alwar (Rajasthan)	07098 (Part 1) : 1988 XLPE Insulated PVC Cables
6.	8932190	09-05-2008	M/s. Subhash Udyog Plot No. D, Special Road No. 1, Industrial Estate Bais Godam, Jaipur-302006 (Rajasthan)	14255 : 1995 Aerial Bunched Cables
7.	8928607	26-04-2008	M/s. Sudarshan Industries Plot No. H-321 (D), I.P.I. Area, Road No. 6 Kota-324005 (Rajasthan)	14543 : 2004 Packaged Drinking Water
8.	8935503	21-05-2008	M/s. Vakrangee Drinking Water Industries GI-142(A), Kuber Industrial Area, Ranpur Kota-325004 (Rajasthan)	14543 : 2004 Packaged Drinking Water

[No. CMD/13 : 11]

P. K. GAMBIHIR, Dy. Director General (Marks)

नई दिल्ली, 20 अगस्त, 2008

का.आ. 2436.—भारतीय मानक व्यूरो (प्रमाणन) विनियम 1988 के विनियम 5 के उपविनियम 6 के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :-

अनुसूची

क्रम सं. सं.	लाइसेंसधारी का नाम ओ पता	लाइसेंस के अंतर्गत व्यस्त/ प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द काने की तिथि
1 7543174	पीटर ऑटोकिट्स प्रा. लि. प्लॉट नं. 56, सर्वे नं. 75, विलेज वालिव अलकोन प्लास्टिक के बाजू में, तालुका वसई पूर्व, जिला ठाणा-401208	भा.मा. 15397 : 2003	21-04-2008
2 1696573	ए. । प्रॉडक्ट्स ब्लॉक नं. 335 के बाजू में, उल्हासनगर, जिला ठाणा-421002	भा.मा. 8808:1999	17-04-2008
3 2208236	नव भारत इंजीनीयरिंग इंडस्ट्रीज प्रा. लि. डी/54-1, टीटीसी, यूनियन कार्बाइड के पीछे, तुर्भे, नवी मुंबई-400613	भा.मा. 1784:1998	17-04-2008

[सं. सीएमडी/13 : 13]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi; the 20th August, 2008

S.O. 2436.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given in the following schedule have been cancelled with effect from the date indicated against each : Period 1-4-08 to 25-5-08.

SCHEDULE

Sl. No.	Licence No.	Name and Address of licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of Cancellation
1	7543174	Peter Autokits P. Ltd Plot No. 56, Survey No. 75, Village Valiv, Near Alkon Plastics, Taluka-Vasai (E), Thane, Maharashtra-401208	IS 15397: 2003	21-04-2008
2	1696573	A-I Products Near Block No. 335, Thane Ulhasnagar, Maharashtra-421002	IS 8808 : 1999	17-04-2008
3	2208236	Nav Bharat Engg. Inds. P. Ltd. D/54-1, TTC Opp Union Carbide, Greater Bombay Turbhe, Maharashtra-400613	IS 1784 : 1998	17-04-2008

[No. CMD/13 : 13]

P.K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 20 अगस्त, 2008

का.आ. 2437.—भारतीय मानक व्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपविनियम 5 के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम सं.	लाइसेंस सं.	लागू तिथि	लाइसेंसधारी का नाम व पता	उत्पाद	भा. मा. सं./भाग/अनुवर्ष
1	2	3	4	5	6
1	7839195	27-04-2009	मैसर्स हंस एंटरप्राइज आर-228, टीटीसी इंडस्ट्रियल एरिया, एम आई डी सी, राबाले, ठाणे-400702	लकड़ी के फलश डोर शटर (ठोस कोर प्रकाश), विशिष्ट भाग 1, प्लाईबुड फेस पेनल	भा.मा.2202: भाग 1 : 1999
2	7839805	28-04-2011	मैसर्स गितोजली लाईफ स्टाईल लि. प्लॉट नं. सी/25, जी ब्लॉक, 10 बी विंग, लक्ष्मी टॉवर, दूसरा माला, बान्द्रा कुल्हा कॉम्प्लेक्स, बान्द्रा पूर्व, मुंबई-400005	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी-शुद्धता व मुहरांकन	भा.मा. 1417:1999
3	7841687	05-05-2009	मैसर्स हिंद अल्युमिनियम इंडस्ट्रीज लि. सर्वे नं. 1/2, विलेज खुताली, खानवेल दुधानी रोड, खानवेल के बाजू में, सिल्वासा, दादरा नगर हवेली-396230	एल्युमिनियम चालक भाग 4, एल्युमिनियम (मिश्र धातु), लडवार चालक (एल्युमिनियम, मैग्नीज, सिलिकॉन किस्म)	भा.मा. 398: भाग 4 : 1994
4	7834286	06-04-2009	मैसर्स सावित्री मेटल इंडस्ट्रीज गेट नं. 46/4, बोडांडे शौबार, अमलनेर रोड, जलगांव,	कार्बन और कार्बन मैग्नीज इस्पात की मैन्युल धातु आर्क वेल्डिंग हेतु अवरित इलेक्ट्रोड विशिष्टि	भा.मा. 814: 2004
5	7841788	05-05-2011	मैसर्स के. पी. ज्वेलर्स विजयश्री सोसायटी (जय विजय को- ऑपरेटिव सोसायटी), रेलवे स्टेशन रोड, बजार पेठ, कलवा पश्चिम, जिला ठाणा-400605	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी-शुद्धता व मुहरांकन	भा.मा. 1417:1999
6	7832686	31-03-2009	मैसर्स राधा माधव कॉर्पोरेशन लि. 50/9ए, दमन इंडस्ट्रियल इस्टेट, कडियाँ, दमन, दमन अॅन्ड दिव-396210	पेय जल आपूर्ति उच्च घनत्व वाले पॉलिएथिलिन पाईप्स	भा.मा. 4984 : 1995
7	7841586	05-05-2009	मैसर्स हिंद एल्युमिनियम इंडस्ट्रीज लि. सर्वे नं. 1/2 विलेज खुताली, खानवेल दुधानी रोड, खानवेल के बाजू में, सिल्वासा, दादरा नागर हवेली-396230	शिरोकपरी प्रेषण प्रयोजनों के लिए एल्युमिनियम चालक, जस्तीकृत इस्पात प्रबालित, भाग 2	भा.मा. 398: भाग 2 : 1994
8	7834993	08-04-2011	मैसर्स अमित गोल्डीयम प्रा. लि. 119, पारेख मार्केट, 39, केनडी ब्रिज, ऑपेरा हाउस, मुंबई-400004	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी-शुद्धता व मुहरांकन	भा.मा. 1417:1999
9	7833991	03-04-2011	मैसर्स वरद विनायक ज्वेलर्स भालचंद्रोदय बिल्डिंग, शॉप नं. 4, विद्यानगर, विलेज वरसोली, अलीबाग, जिला ठाणा-421201	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी-शुद्धता व मुहरांकन	भा.मा. 1417:1999
10	7843388	13-05-2011	मैसर्स जिमी ऑक्सेसरीज (प्रा.) लि. ए-53, रोड नं. 1, एम आई डी सी, इंडस्ट्रियल एरिया, मरोल, अंधेरी पूर्व, मुंबई-400093	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी-शुद्धता व मुहरांकन	भा.मा. 1417:1999

1	2	3	4	5	6
11	7833688	03-04-2009	मैसर्स जय महालक्ष्मी इस्पात (इ) प्रा. लि., प्लॉट नं. 3, सर्वे नं. 7, विलेज वासुरी खुर्द, तालुका बांडा, जिला ठाणा	कंक्रीट प्रबलन के लिए उच्च सान्द्रन इस्पात सरिए और तार की विशिष्टि	भा.मा. 1786 : 1985
12	7842588	11-05-2009	मैसर्स प्रिन्स पाईप्स एन्ड फिटिंग्ज प्रा. लि., सर्वे नं. 53, जयंत देसाई मार्ग, वाघदारा रोड, दादरा, दादरा एन्ड नगर हवेली-396191	संवातन और वर्षा के पानी सहित भवनों के अन्दर की मिटटी तथा अपशिष्ट निरावेशन तत्व के लिए अनाध्यकृत पी. बी. सी. पाईप-विशिष्टि	भा.मा. 13592 : 1992
13	7835490	09-04-2011	मैसर्स प्रायरिटी ज्वेलर्स प्रा. लि. लेवल 2, प्लॉट नं. डी/6, रोड नं. 20, एम आई डी सी, अंधेरी पूर्व मुंबई-400093	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी-शुद्धता व मुहरांकन	भा.मा. 1417:1999
14	7842689	11-05-2011	मैसर्स कनसेप्ट ज्वेलरी (इ) प्रा. लि. 15, स्नेह सदन, 163, कुलाबा रोड, कुलाबा पोस्ट ऑफिस के बाजू में, कुलाबा, मुंबई-400005	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी-शुद्धता व मुहरांकन	भा.मा. 1417:1999
15	7837595	15-04-2009	मैसर्स हंस एंटरप्राइजेज आर-228, टी टी सी इंडस्ट्रियल एरिया, एम आई डी सी, राबाले, ठाणे-400702	ब्लॉक बोर्ड, विशिष्टि	भा.मा. 1659 : 2004
16	7838092	16-04-2011	मैसर्स रविश ज्वेलर्स 202-बी, सॉमरांक अपार्टमेंट, सी डी बर्फावाला लेन, अंधेरा एवं ए, मुंबई-400058	स्वर्ण और स्वर्ण मिश्र धातुओं के आभूषण/शिल्पकारी-शुद्धता व मुहरांकन	भा.मा. 1417:1999
17	7838803	23-04-2009	मैसर्स ईपीसी इंडस्ट्रीज लिमिटेड, एच ई 109, एम आई डी सी, अंबाड, नासिक-422010	मलक जल व्यवस्था के लिए घनत्व वाले पॉलीथिएलीन पाइप	भा.मा. 14333 : 1996

[सं. सीएमडी/13 : 11]

पी. के. गग्मी, उप महानिदेशक (मुहर)

New Delhi, the 20th August, 2008

S.O. 2437.—In pursuance of sub-regulation (5) of Regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule for the period 1-4-2008 to 25-5-2008.

SCHEDULE

Sl. No.	Licence No.	Validity Date	Name and Address (factory) of the Party	Product	IS No./Part/Sec/Ycar
1	2	3	4	5	6
1	7839195	27-04-2009	M/s. Hans Enterprise R-228, TTC Industrial Area, MIDC, Rabale, Navi Mumbai, Maharashtra-400702	Specification for wooden flush door shutters (solid core type): Part I Plywood face panels	IS 2202 : Part 1 : 1999

1	2	3	4	5	6
2	7839805	28-04-2001	Gitanjali Lifestyle Limited Plot No. C/25, G Block, 10, B Wing, Laxmi Towers, 2nd Floor, Bandra Kurla Complex, Greater Bombay, Bandra East, Maharashtra-400051	Gold and Gold Alloys, Jewellery/Artefacts Fineness and Marking-Specification	IS 1417:1999
3	7841687	05-05-2009	M/s. Hind Aluminium Industries Ltd., Survey No. 1/2, Village Khutali, Khanvel-Doodhani Road, Near Khanvel, Dadra and Nagar Haveli Silvassa, Dadra and Nagar Haveli-396230	Aluminium conductors for overhead transmission purposes: Part 4 Aluminium alloy stranded conductors (aluminium magnesium silicon type)	IS 398 : Part 4:1994
4	7834286	06-04-2009	Savitri Metal Industries Gat No. 46/4, Bodade Shivar, Amalner Road, Jalgaon Maharashtra	Covered electrodes for manual metal arc welding carbon and carbon Manganese steel	IS 814:2004
5	7841788	05-05-2011	K. P. Jewellers Vijayshree Society (Jay Vijay Co-Op. So.), Railway Station Road, Bazar Peth, Thane Kalwa (West) Maharashtra-400605	Gold and Gold Alloys, Jewellery/Artefacts Fineness and Marking-Specification	IS 1417:1999
6	7832686	31-03-2009	Radha Madhav Corporation Ltd., 50/9A, Daman Industrial Estate, Kadaiya, Daman, Daman & Diu-396210	Specification for high density polyethylene pipes for portable water supplies	IS 4984:1995
7	7841586	05-05-2009	M/s. Hind Aluminium Industries Ltd., Survey No. 1/2, Village Khutali, Doodhani Road, Khanvel, and Nagar Haveli, Silvassa, Dadra and Nagar Haveli-396230	Aluminium conductors for overhead transmission purposes: Part 2 Aluminium conductors, galvanized steel reinforced	IS 398 : Part 2 : 1996
8	7834993	08-04-2011	Amrit Goldiam Pvt. Ltd. 119, Parekh Market, 39, Kennedy Bridge, Opera House, Greater Bombay, Maharashtra-400004	Gold and Gold Alloys, Jewellery/Artefacts Fineness and Marking-Specification	IS 1417:1999
9	7833991	03-04-2011	Varad Vinayak Jewellers Bhalchandrodia Building, Shop No. 4, Vidyanagar, Village Varsoli Raigarh, Alibaug Maharashtra-421201	Gold and Gold Alloys, Jewellery/Artefacts Fineness and Marking-Specification	IS 1417:1999
10	7843388	13-05-2011	Gemme Accessories (Pvt.) Ltd., A-53, Road No. 1, MIDC Industrial Area, Marol Greater Bombay, Andheri (East) Maharashtra-400093	Gold and Gold Alloys, Jewellery/Artefacts Fineness and Marking-Specification	IS 1417:1999
11	7833688	03-04-2009	M/s. Jai Mahalaxmi Ispat (I) Pvt. Ltd., Plot No. 3, Survey No. 7, Village Vasuri Khurd, Thane Tal, Wada, Maharashtra	Specification for high Strength deformed steel bars and wires for concrete reinforcement	IS 1786:1985

1	2	3	4	5	6
12	7842588	11-05-2009	Prince Pipes and Fitting P. Ltd., Survey No. 53, Jayant Desai Marg, Vaghda Road, Dadra, Dadra and Nagar Haveli, Dadra, Dadra and Nagar Haveli-396191	Specification for UPVC pipes for soil and waste discharge systems inside buildings including ventilation and rainwater system.	IS 13592:1992
13	7835490	09-04-2011	Priority Jewels Private Limited, Level No. 2, Plot No. D/6, Road No. 20, MIDC, Greater Bombay Andheri (East) Maharashtra-400093	Gold and Gold Alloys, Jewellery/Artifacts- Fineness and Marking-Specification	IS 1417:1999
14	7842689	11-05-2009	Concept Jewellery (India) Pvt., Ltd., 15, Sneh Sadan, 163, Colaba Road, Near Colaba Post Office, Greater Bombay, Colaba, Maharashtra-400005	Gold and Gold Alloys, Jewellery/Artifacts- Fineness and Marking-Specification	IS 1417:1999
15	7837595	15-04-2009	M/s. Hans Enterprise, R-228, T T C Industrial Area, MIDC Rabale, Thane, Navi Mumbai, Maharashtra	Specification for block boards	IS 1659:2004
16	7838092	16-04-2011	Ravish Jewels, 202-B, Samrock Apt., C.D. Barfiwala Lane, Greater Bombay, Andheri (West), Maharashtra-400058	Gold and Gold Alloys, Jewellery/Artifacts- Fineness and Marking-Specification	IS 1417:1999
17	7838803	23-04-2009	EPC Industries Limited, H-109, MIDC, Nashik AMBAD, Maharashtra-422010	High density polyethylene pipe for sewerage-Specification	IS 14333:1996

[No. CMID/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2438.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 6525 : 2008/आई एस ओ 245 : 2008 वायुआकाशीय-लॉकवायर-व्यास (पहला पुनरीक्षण)	6725 : 1999	30 जून, 2008
2	आई एस 7828 : 2008 वायुयान-गुरुत्व भरण सूक्ष्म छिद्र (पहला पुनरीक्षण)	7828 : 1975	31 जुलाई, 2008
3	आई एस 8118 : 2008 सचल वाहन-मुक्त त्वरण पद्धति के अंतर्गत प्रचालित संपीडन दहन इंजिनों से युक्त वाहनों से निष्कासित गैस की अपार्यंता धुआं—(तीसरा पुनरीक्षण)	8118 : 1998	31 जुलाई, 2008
4	आई एस 11827 : 2008 स्वचाल वाहन—गतिमापक का अंश-शोधन मूल्यांकन की पद्धति (दूसरा पुनरीक्षण)	11827 : 1995	30 जून, 2008

(1)	(2)	(3)	(4)
5	आई एस 14748 : 2008/आई एस ओ 9785 : 2002 पोत एवं समुद्री प्रौद्योगिकी—जलपोत के माल गोदाम की जगह का संचालन जहां अंतर्दहन इंजन वाले वाहन चल सके — सैद्धान्तिक कुल अपेक्षित वायु प्रवाह का आकलन (पहला पुनरीक्षण)	14748 : 1999	31 जुलाई, 2008
6	आई एस 15763 : 2008 पैकिंग — पूर्ण, भरे परिवहन पैकेज और इकाई भार — ऊर्ध्वाधर, यादचिक कंपन परीक्षण		31 जुलाई, 2008
7	आई एस 15796 : 2008 स्वचलन वाहन — हॉर्न संस्थापन की अपेक्षाएं		30 जून, 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्लूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों ; नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टी ई डी/जी-16]

राकेश कुमार, वैज्ञानिक एफ एवं प्रमुख (टी ई डी)

New Delhi, the 21st August, 2008

S.O. 2438.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year & Title of the Indian Standards Established	No. & Year of Indian Standards, if any, superseded by the New Indian Standard	Date Established
(1)	(2)	(3)	(4)
1	IS 6725 : 2008/ISO 245 : 1998 Aerospace—Lockwire—diameters (First Revision)	6725 : 1999	30 June, 2008
2	IS 7828 : 2008/ISO 102 : 1990 Aircraft—Gravity filling orifices (First Revision)	7828 : 1975	31 July, 2008
3	IS 8118 : 2008 Automotive vehicle—Opacity (smoke) of exhaust gas from vehicles equipped with compression ignition engines operating under free acceleration—Method of measurement (Third revision)	8118 : 1998	31 July, 2008
4	IS 11827 : 2008 Automotive vehicles—Calibration of speedometer—Method of evaluation (Second Revision)	11827 : 1995	30 June, 2008
5	IS 14748 : 2008/ISO 9785 : 2002 Ships and marine technology—Ventilation of cargo spaces where vehicles with internal combustion engines are driven—Calculation of theoretical total airflow required (First Revision)	14748 : 1999	31 July, 2008
6	IS 15763 : 2008 Packaging—Complete, filled transport packages and unit loads—Vertical random vibration test		31 July, 2008
7	IS 15796 : 2008 Automotive vehicles—Horn installation requirements		30 June, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, manak Bhavan, 9 Bahadur Shah Zafar marg, New Delhi-1 10002 and Regional Offices: New Delhi, Kolcutta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : TED/G-16]

RAKESH KUMAR, Scientist 'F' & Head (Transport Engg.)

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2439.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एवं द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अध्यवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 11552 : 2008 75 लीटर तक की क्षमता के द्रव नाइट्रोजन आधान - विशिष्ट (पहला पुनरीक्षण)	आईएस 11552 : 1986 50 लीटर तक की क्षमता के द्रव नाइट्रोजन आधान के लिए विशिष्ट	31 अगस्त, 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमईडी/जी-2 : 1]

सी. के. वेदा, वैज्ञानिक 'एफ' एवं प्रमुख (यांत्रिक इंजिनियरिंग)

New Delhi, the 21st August, 2008

S.O. 2439.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 11552 : 2008 Liquid Nitrogen Vessels of Capacity up to 75 litres – Specification (First Revision)	IS 11552 : 1986 Specification for Liquid Nitrogen Vessels of Capacity upto 50 litres	31 August, 2008

Copy of this Standard are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar marg, New Delhi-1 10002 and Regional Offices: New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2 : 1]

C. K. VEDA, Sc. 'F' & Head (Mechanical Engineering)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2440.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि यूनियन टेरीटोरी ऑफ पुदुचेरी में वईगाई इंडस्ट्रीज स्थित टर्मिनल से काराईकल कलोरेट्स तक प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाईन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाईन के बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्तुत है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब भारत सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कर दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के संबंध में सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, कावेरी बेसिन, काराईकल पुदुचेरी यूनियन टेरीटोरी को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तालुका	गाँव	सर्वे सं.	क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
काराईकल	तिरुनल्लार	15 मंलाकासकुडी	32-1	0.21.0
			31-3	0.01.5
			37-1	0.01.5
			37-2	0.21.0
			37-3	0.09.0
			38-9	0.02.0
			39-1	0.14.0
			39-5	0.01.0 जीपी
			57-4	0.03.0
			55-1	0.11.0
			55-2	0.05.0
			54-1	0.01.5 जीपी
			54-2	0.15.5
			162-1	0.01.0 जीपी
			162-2	0.58.0
			167-1	0.01.0 जीपी

1	2	3	4	5
			167-2	0.09.5
			167-3	0.04.0
			168-1	0.04.5
			168-2	0.03.5
			168-3	0.02.0
			168-4	0.03.0
			168-7	0.03.0
			169	0.03.5 जीपी
			170-2	0.03.0
			171-1	0.12.0
			175-1	0.01.0 जीपी
			175-3	0.04.5
			175-6	0.21.0
			175-5	0.07.0
			234-1ए	0.14.0
			234-1बी	0.15.0
			230	0.01.0 जीपी
			231	0.01.5 जीपी
			227-1ए	0.13.5
			227-2	0.07.0
			227-4	0.01.0 जीपी

कुल योग : 3.01.5

[फा. सं. एल-14014/18/2008-जीपी]

के. के. शर्मा, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 21st August, 2008

S. O. 2440.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from existing terminal at Vaigai Industries to Karaikal Chlorates in the Union Territory of Puducherry, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), Government of India hereby declares its intention to acquire the right of user therein:

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public,

object in writing to the laying of pipeline under land to Competent Authority, GAIL (India) Limited, Cauvery Basin, Karaikal, Puducherry Union Territory.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for RoU (in hect.)
1	2	3	4	5
Karaikal	Thirunallar	15, Melkaksakudy	32-1	0.21.0
			31-3	0.01.5
			37-1	0.01.5
			37-2	0.21.0
			37-3	0.09.0
			38-9	0.02.0
			39-1	0.14.0
			39-5	0.01.0 G.P.
			57-4	0.03.0
			55-1	0.11.0
			55-2	0.05.0
			54-1	0.01.5 G.P.
			54-2	0.15.5
			162-1	0.01.0 G.P.
			162-2	0.58.0
			167-1	0.01.0 G.P.
			167-2	0.09.5
			167-3	0.04.0
			168-1	0.04.5
			168-2	0.03.5
			168-3	0.02.0
			168-4	0.03.0
			168-7	0.03.0
			169	0.03.5 G.P.
			170-2	0.03.0
			171-1	0.12.0
			175-1	0.01.0 G.P.
			175-3	0.04.5
			175-6	0.21.0
			175-5	0.07.0
			234-1A	0.14.0
			234-1B	0.15.0
			230	0.01.0 G.P.
			231	0.01.5 G.P.
			227-1A	0.13.5
			227-2	0.07.0
			227-4	0.01.0 G.P.
TOTAL			3.01.5	

[F. No. 14014/18/2008-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 21 अगस्त, 2008

क्र.आ. 2441.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु राज्य में गेल के वलनथरावाइ टर्मिनल से आर के इनर्जी तक प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा एक पाइपलाईन बिछाए जानी चाहिए;

और भारत सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब भारत सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कर दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के संबंध सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, कावेरी बेसिन, कराइकल पुडुचेरी यूनियन टेरीटोरी को लिखित रूप में आक्षेप भेज सकता है।

अनुसूची

जिला	तालुका	गाँव	सर्वे सं. क्षेत्रफल (हेक्ट. में)				
			1	2	3	4	5
रामनाथ	रामनाथ	53 वलनथरौ	203-		0.04.5		
पुरम	पुरम		4नो/1सी				
			203-4नो/2		0.07.0		
			203-2ए		0.05.0 जीपी		
			204-3नो		0.06.5		
			204-3/ए		0.07.0		
			205		0.10.0		
कुल योग :					0.40.0		

[फा. सं. एल-14014/17/2008-जीपी]

के. के. शर्मा, अवर सचिव

New Delhi, the 21st, August, 2008

S. O. 2441.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from Valanthalavai GAIL's terminal to Arkay Energy in the State of Tamilnadu, a pipeline should be laid by GAIL (India), Limited:

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under land to Competent Authority, GAIL (India) Limited, Cauvery Basin, Karaikal, Puducherry Union Territory.

SCHEDULE :

District	Tehsil	Village	Survey No.	Area to be acquired for RoU (in hect.)
1	2	3	4	5
Ramanatha-puram	Ramanatha-puram	53, Valan-tharavai	203-4B/IC	0.04.5
			203-4B2	0.07.0
			203-2A	0.05.0GP
			204-3B	0.06.5
			204-3A	0.07.0
			205	0.10.0
		Total		0.40.0

[F. No. 14014/17/2008-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2442—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि यूनियन टेरीटोरी ऑफ पुदुचेरी में बईगाई इंडस्ट्रीज ट्रेप ऑफ से मुख्देश्वर सिरामिक्स लिमिटेड तक प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाईन बिछाए जानी चाहिए;

। और भारत सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाईन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब भारत सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962

का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तरीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कर दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के संबंध सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, काष्ठेरी बेसिन, कराईकल पुडुचेरी यूनियन टेरीटोरी को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तालुका	गाँव	सर्वे सं.	क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
कराकल	थिरुनल्लार	16. सोराकुडी	226 - 1	0.01.0 जीपी
			226 - 2	0.01.0 जीपी
			224	0.02.0 जीपी
			225 - 1	0.06.5
			225 - 4	0.01.0 जीपी
			225 - 5	0.03.0
		योग		0.14.5
	4. देवामापुरम	151-2	0.02.5	
			152 - 1	0.01.0 जीपी
			152 - 3सी	0.15.0
			172 - 1	0.01.0 जीपी
			172 - 2	0.43.0
			173 - 3	0.12.5
			173 - 4	0.06.0
			173 - 5	0.06.0
			173 - 10	0.01.0 जीपी
			200 - 1	0.14.0
			200 - 2	0.10.0
			200 - 3	0.01.0 जीपी
			201 - 1	0.08.0
			201 - 2	0.03.0
			201 - 3	0.09.0
			201 - 4	0.06.0
			201 - 5	0.03.5 जीपी
			202 - 1	0.00.5 जीपी
			202 - 5	0.02.0 जीपी
	कुल योग :			0.45.0

[फ. सं. एल-14014/16/2008- जीपी]
के. के. शर्मा, अवर सचिव

New Delhi, the 21st August, 2008

S.O. 2442.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from tap-off at Vaigai Industries existing line to Murudeshwar Ceramics Ltd. in the Union Territory of Puducherry, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under land to Competent Authority, GAIL (India) Limited, Cauvery Basin, Karaikal, Puducherry Union Territory.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for RoU (in hect.)	(1)	(2)	(3)	(4)	(5)
Karikal	Thirunallar	16 Sorakudy	226 - 1	0.01.0G.P.					
			226 - 2	0.01.0G.P.					
			224	0.02.0G.P.					
			225 - 1	0.06.5					
			225 - 4	0.01.0G.P.					
			225 - 5	0.03.0					
			Total	0.14.5					
Karikal	Thirunallar	4 Devamapuram	151-2	0.02.5					
			152 - 1	0.01.0G.P.					
			152 - 3C	0.15.0					
			172 - 1	0.01.0G.P.					

(1)	(2)	(3)	(4)	(5)
Karikal	Thirunallar	4 Devamapuram	172 - 2	0.43.0
			173 - 3	0.12.5
			173 - 4	0.06.0
			173 - 5	0.06.0
			173 - 10	0.01.0G.P.
			200 - 1	0.14.0
			200 - 2	0.10.0
			200 - 3	0.01.0G.P.
			201 - 1	0.08.0
			201 - 2	0.03.0
			201 - 3	0.09.0
			201 - 4	0.06.0
			201 - 5	0.03.5G.P.
			202 - 1	0.00.5G.P.
			202 - 5	0.02.0G.P.
			Total	0.45.0

[F. No. 14014/16/2008-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 21 अगस्त, 2008

का.आ. 2443.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि यूनियन टेरीटोरी ऑफ पुडुचेरी में एस. एफ. सी. एल. से बईगाई इंडस्ट्रीज, वाया बोस प्रोफाइल तक प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का-50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने, के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कर दी जाती हैं, इकलौते दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, काबेरी बेसिन, कराईकल पुडुचेरी यूनियन टेरीटोरी को लिखित रूप में आक्षय भेज सकेंग।

अनुसूची					(1)	(2)	(3)	(4)	(5)
जिला	तालुका	गाँव	सर्वे सं.	क्षेत्रफल (हेक्ट. में)	कारैकल	तिरुनल्लार	16. सोयाकुडी (जारी)	185-6	0.015 G.P.
(1)	(2)	(3)	(4)	(5)				185-7	0.10.5
कारैकल	तिरुनल्लार	16. सोयाकुडी	253	0.21.0				185-8	0.07.0
			254-1	0.16.0				187-3	0.01.0 जीपी
			254-2ए	0.14.0				184-1	0.06.5
			254-2बी	0.04.0				184-2	0.02.0 जीपी
			259	0.01.0 जीपी				184-3	0.04.0
			260	0.01.0 जीपी				184-6बी	0.03.0
			258-1 सी	0.08.0				182-1	0.01.0 जीपी
			258-2ए	0.01.0				182-2	0.04.5
			258-2बी	0.19.0				182-3	0.07.0
			218-2	0.07.0				182-5	0.04.0
			218-3	0.01.0				182-6ए	0.06.0
			218-5	0.08.0				182-6बी	0.03.0
			218-6	0.01.0 जीपी				153-2	0.13.0
			215-1	0.01.0 जीपी				154-1	0.03.5 जीपी
			215-3	0.01.0				154-2ए	0.17.5
			215-4ए	0.04.0				151-9	0.04.0
			215-4बी	0.04.0				157-1	0.03.0 जीपी
			219-1ए	0.05.0				157-2ए	0.17.0
			220-1	0.02.5				158	0.01.0 जीपी
			220-2	0.06.0				159	0.04.0 जीपी
			220-3	0.06.0				160-1	0.16.5
			220-5ए	0.02.5				161	0.02.0 जीपी
			220-6ए	0.02.0				163-2	0.11.5
			220-6बी	0.02.5				163-3	0.03.5 जीपी
			221-2	0.02.0				163-4	0.01.0 जीपी
			221-3	0.02.0				164-1	0.07.0
			221-5	0.01.5				164-6	0.01.0 जीपी
			221-6	0.04.5					कुल योग
			221-7	0.01.0					3.64.5
			221-8	0.01.0					
			221-9	0.03.0 जीपी					
			221-17	0.02.0					
			221-18	0.11.0					
			225-4	0.01.0 जीपी					
			225-5	0.06.5					
			225-7	0.05.0					
			224	0.03.0 जीपी					
			186-1	0.09.0					
			186-2	0.08.0					
			186-4	0.08.0					

(1)	(2)	(3)	(4)	(5)
कारेकल	थिरुनल्लार	22, सुभराय- पुरम	17-1 17-2ए1 17-2ए2 17-2बी 18-1 18-2 18-3 18-4 19-2 6-1ए 6-1बी 6-1सी 6-2	0.02.0 जीपी 0.03.5 0.03.0 0.01.5 0.07.0 0.21.0 0.00.5 0.01.0 0.14.0 0.06.0 0.06.0 0.05.5 0.02.5 जीपी
कुल योग			1.15.0	
15, मेलाका-	86-1	0.11.0		
सकुडी	86-2	0.03.0 जीपी		
	86-3	0.02.0 जीपी		
	86-4	0.01.0 जीपी		
	85-2	0.01.0 जीपी		
	85-4	0.01.5		
	85-5	0.01.0 जीपी		
	84-4	0.01.5 जीपी		
	84-5	0.09.0		
	87-1	0.21.0		
	87-2	0.01.5		
	81-1	0.32.0		
	81-2	0.02.0		
	80-1	0.07.0		
	80-2	0.05.0		
	73	0.09.0		
	72-3	0.17.0		
	71	0.02.0 जीपी		
	64-4	0.13.0		
	63-1	0.04.0		
	66-2ए	0.29.0		
	29-1	0.16.0		
	29-4	0.09.0		
	29-5	0.01.0 जीपी		
	22-9	0.05.0		
	22-10	0.01.0 जीपी		
	21	0.02.5 जीपी		
	32-1	0.29.0		
	89	0.02.0 जीपी		
कुल योग :		2.39.0		

[फा. सं. एल-14014/15/2008-जीपी]

के. के. शर्मा, अवर सचिव

New Delhi, the 21st August, 2008

S. O. 2443.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from SFCL to Vaigai Industries via Boss Profiles, in the Union Territory of Puducherry, a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the right of user therein:

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of pipeline under land to Competent Authority, GAIL (India) Limited, Cauvery basin, Karaikal, Puducherry Union Territory.

SCHEDULE

District	Taluk	Village No. & Name	Survey No.	Area to be acquired for ROU (in hect.)
(1)	(2)	(3)	(4)	(5)
Karaikal	Thirunallar	16, Sorakudy	253	0.21.0
			254-1	0.16.0
			254-2A	0.14.0
			254-2B	0.04.0
			259	0.01.0 G.P
			260	0.01.0 G.P
			258-1C	0.08.0
			258-2A	0.01.0
			258-2B	0.19.0
			218-2	0.07.0
			218-3	0.05.0
			218-5	0.08.0
			218-6	0.01.0 G.P
			215-1	0.01.0 G.P
			215-3	0.01.0
			215-4A	0.04.0
			215-4B	0.04.0
			219-1A	0.05.0
			220-1	0.02.5
			220-2	0.06.0
			220-3	0.06.0
			220-3A	0.02.5
			220-6A	0.02.0

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)	
Karaikal	Thirunallar	16, Sorakudy (contd.)	220-6B	0.02.5	Karaikal	Thirunallar	22, Subbaraya-13-14 puram (contd.)	0.01.5		
		221-2	0.02.0				16-1	0.04.0		
		221-3	0.02.0				16-3	0.02.0G.P.		
		221-5	0.01.5				16-4	0.04.5		
		221-6	0.04.5				16-7	0.06.5		
		221-7	0.01.0				16-8	0.02.0		
		221-8	0.01.0				17-1	0.02.0 G.P.		
		221-9	0.03.0G.P.				17-2A1	0.03.5		
		221-17	0.02.0				17-2A2	0.03.0		
		221-18	0.11.0				17-2B	0.01.5		
		225-4	0.01.0G.P.				18-1	0.07.0		
		225-5	0.06.5				18-2	0.21.0		
		225-7	0.05.0				18-3	0.00.5		
		224	0.03.0G.P.				18-4	0.01.0		
		186-1	0.09.0				19-2	0.14.0		
		186-2	0.03.0				6-1A	0.06.0		
		186-4	0.05.0				6-1B	0.06.0		
		185-6	0.01.5G.P.				6-1C	0.05.5		
		185-7	0.10.5				6-2	0.02.5G.P.		
		185-8	0.07.0						TOTAL 1.15.0	
		187-3	0.01.0G.P.							
		184-1	0.06.5				Karaikal	Thirunallar	15, Melakas-	
		184-2	0.02.0G.P.						akudy	
		184-3	0.04.0						86-1	0.11.0
		182-1	0.01.0G.P.						86-2	0.03.0G.P.
		182-2	0.04.5						86-3	0.02.0G.P.
		182-3	0.07.0						86-4	0.01.0G.P.
		182-5	0.04.0						85-2	0.01.0G.P.
		182-6A	0.06.0						85-4	0.01.5
		182-6B	0.03.0						85-5	0.01.0G.P.
		153-1	0.01.0						84-4	0.01.5G.P.
		153-2	0.13.0						84-5	0.09.0
		154-1	0.03.5G.P.						87-1	0.21.0
		154-2A	0.17.5						87-2	0.01.5
		151-9	0.04.0						81-1	0.32.0
		157-1	0.03.0G.P.						81-2	0.02.0
		157-2A	0.17.0						80-1	0.07.0
		158	0.04.0G.P.						80-2	0.05.0
		159	0.04.0G.P.						73	0.09.0
		160-1	0.10.5						72-3	0.17.0
		161	0.02.0G.P.						71	0.02.0G.P.
		163-2	0.11.5						64-1	0.13.0
		163-3	0.03.5G.P.						63-1	0.04.0
		163-4	0.01.0G.P.						66-2A	0.29.0
		164-1	0.07.0						29-1	0.16.0
		164-6	0.01.0 G.P.						29-4	0.09.0
				TOTAL 3.64.5					29-5	0.01.0G.P.
									22-9	0.05.0
									22-10	0.01.0G.P.
Karaikal	Thirunallar	22, Subbaraya-13-1 puram	13-9	0.01.0 G.P.					21	0.02.5G.P.
			13-10A	0.01.0					32-1	0.29.0
			13-10B	0.04.0					89	0.02.0G.P.
			13-10C	0.01.0						
			13-10D	0.05.5						
			13-11	0.01.5						
										TOTAL 2.39.0

[F. No.-14014/15/2008-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 21 अगस्त, 2008

सं. नं. 354.—कोन्फ्रीय सरकार को ऐसा प्रतीत होता है कि लोक इति में यह आवश्यक है कि भारतीय राज्य में पानीपत से पंजाब राज्य के जालंधर को लिखियफाइल पेट्रोलियम बैंक के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और कोन्फ्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, कोन्फ्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपदारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूचि में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इककीस दिन के भीतर, भूमि के भीतर पाइपलाइन बिछाए जाने के लिए उपयोग के अधिकार के अर्जन के लिए, श्री गगनदीप सिंह, सक्षम प्राधिकारी (पंजाब), इंडियन ऑयल कॉर्पोरेशन लिमिटेड, मकान नं. 24, सुखरेन कालोनी, खालसा रकुल रोड, खज्जा, लुधियाना (पंजाब) को लिखित रूप में आशेष भेज सकेगा।

अनुसूची

राज्य- पंजाब

निला	तहसील	गांव का नाम	ठदवस्ता संख्या	मुस्तील संख्या	खसरा / किला संख्या	विवरण		
						1	2	3
पटियाला	नागा	वौरां कलां	202	-	1625/393	0	06	32
					397	0	05	06
					391	0	13	91
					396	0	07	59
					1236/399	0	00	51
					1133	0	06	83
					1134	0	12	65
					1132	0	06	83
पटियाला	नागा	मुगा सुर्द	94	7	9/1	0	02	28
					9/2	0	00	76
					12/1	0	00	76
					12/2	0	02	28

1	2	3	4	5	6	7	8	9
पटियाला	समाना	दोंदडा	64	49	1 2 10 11 20 21 51 6 52 1 10 11 41 21/2/2 19 22	0 0 0 0 9 0 0 00 0 0 0 0 0 0 0	11 00 11 11 11 11 0 04 11 06 01 06 10 05	13 25 13 13 13 13 25 81 13 58 26 07 12 06
पटियाला	समाना	भासना	88	120	19/2 21 145 1 9 10 12/2 13	0 0 04 12 13 00 00 05	01 81 40 66 25 25 31	
संगरुर	संगरुर	राजपुरा	31		272 929/279	0 0	16 03	19 79
संगरुर	संगरुर	भिमडी	202		469	0	08	60
फतेहाबाद <i>साहिक</i>	अमलोह	तंगराला	174	23	5 6	0 0	04 06	30 58

[प्र. सं. आर-25011/13/2006-ओ.आर.-I]

एस. के. चिट्ठारा, अवर मन्त्री

New Delhi, the 21st August, 2008

S. O. 2444.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquefied Petroleum Gas from Panipat in the State of Haryana to Jallandhar in the State of Punjab, a pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land, to Shri Gagandeep Singh, Competent Authority (Punjab), House no-24, Khukrain Colony, Khalsa School road, Khanna Dist-Ludhiana (Punjab).

SCHEDULE

State:PUNJAB

Name of District	Name of tehsil	Name of Village	Hadbast No.	Mushtil No.	Khasra / Killa No.	Area		
						Hectare	Are	Square Metre
1	2	3	4	5	6	7	8	9
PATIALA	NABHA	BAURAN KALAN	202	-	1625/393	0	06	32
					397	0	05	06
					391	0	13	91
					396	0	07	59
					1236/399	0	00	51
					1133	0	06	83
					1134	0	12	65
					1132	0	06	83
			94	7	9/1	0	02	28
					9/2	0	00	76
					12/1	00	00	76
					12/2	0	02	28
PATIALA	NABHA	BUGGA KHURD						

PATIALA	SAMANA	DODRA	64	49	1	0	11	13				
					2	0	00	25				
					10	0	11	13				
					11	0	11	13				
					20	0	11	13				
					21	0	11	13				
				51	5	0	00	25				
					6	00	04	01				
				52	1	0	11	13				
					10	0	06	58				
					11	0	01	26				
			41	21/2/2	0	0	06	07				
					19	0	10	12				
					27	0	05	06				
PATIALA	SAMANA	BHAMNA	88	120	19/2	0	01	01				
					21	0	04	01				
				145	1	0	12	40				
					9	0	13	06				
					10	0	00	26				
					12/2	0	00	26				
					13	0	05	31				
SANGRUR	SANGRUR	RAJPURA	31	-	272	0	16	19				
					929/279	0	03	79				
SANGRUR	SANGRUR	BIMRI	202	-	469	0	08	60				
FATEHGHARH SAHIB	AMLOH	TANGRALA	174	23	5	0	04	30				
					6	0	06	58				

[F. No. R-25011/13/2006-O.R.-I]

S. K. CHITKARA, Under Secy.

नई दिल्ली, 27 अगस्त, 2008

का.आ. 2445.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि दिल्ली राज्य के विज्वासन से हरियाणा राज्य में पानीपत को पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए वह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधियना की प्रतियां साधारण जनता द्वारा उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के भीतर पाइपलाइन बिछाए जाने के लिए उपयोग के अधिकार के अर्जन के लिए, श्री गुरेन्द्र मलिक, सक्षम प्राधिकारी (हरियाणा), इंडियन ऑयल कॉर्पोरेशन लिमिटेड, उत्तरी क्षेत्र पाइपलाइन, पी. ओ. पानीपत रिफाइनरी, बोहली, पानीपत (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची संलग्न है।

अनुसूची

ग्राम का नाम	हवालस संख्या	मुस्तील संख्या	खसरा/ किला संख्या	राज्य- हरियाणा		
				हैक्टेयर	एकर	घर्ग मीटर
1	2	3	4	5	6	7
बोहली	12	47	3/1	0	01	01
			3/2	0	02	28
			8	0	01	52
सिठाना	14	49	9	0	00	51
			11	0	01	01
			12	0	04	81
			19/1	0	04	30
			19/2	0	03	54
			20	0	14	42
			21	00	06	83
	67	14	0	07	35	
			15/1/1	0	01	52
			15/1/2	0	09	86
			17	0	06	58
			24	0	02	28
			123/3	0	27	82
			124/3	0	17	70
			130/2	0	04	05
			134	0	02	53
महराना	29	25	22	0	07	84
			23	0	06	83
	32	2	0	00	25	
		3	0	16	69	
	44	2/1	0	14	42	
		3	00	02	53	
		8	0	05	06	

1	2	3	4	5	6	7
महाराष्ट्रा	29	44	13/1	0	02	02
			13/2	0	02	02
			18/1	0	01	52
			18/2	0	03	54
			23	0	02	28
			24	0	03	04
		49	4/1	0	03	54
			4/2	0	01	52
			7/1	0	05	06
			14	0	05	06
			16	0	00	51
			17	0	04	55
			24	0	00	25
			25	0	05	06
		62	5	0	05	06
			6	0	05	06
			15	0	05	06
			16	0	02	02
		63	20	0	03	04
			21	0	05	06
		65	1	0	05	06
			10	0	05	06
			11	0	03	54
			12	0	00	51
			19	0	05	06
			22	0	05	06
		77	2/1	0	04	05
			2/2	0	00	76
			9	0	05	06
			12	0	01	52
			89	0	58	70
			95/2	0	30	35
			104	0	03	04
			106	0	00	76
			117	0	00	51
			118	0	01	26
			119	0	06	83
			120	0	03	79
			121	0	00	25
			186	0	01	26
			222	0	03	79

1 ददलाना	2 25	3 101	4 5/2	5 0	6 01	7 26
			6	0	07	84
			7	0	03	04
	102		1/2	0	04	55
			2/2	0	04	55
			3/2	0	04	55
			4/2	0	04	55
			5/2	0	04	55
			6	0	04	55
			7	0	04	55
			8	0	04	55
			9	0	04	55
			10	0	04	55
	103		1/2	0	03	54
			2/2	0	03	54
			3/2	0	03	54
			4/2	0	03	54
			6	0	01	52
			7	0	05	56
			8	0	05	56
			9	0	05	56
			10	0	05	56
दिवाना	33	8	22/1	0	03	54
		10	2	0	05	31
			9	0	05	31
			12	0	04	81
			18/2	0	00	51
			19/1	0	01	01
			19/2	0	04	05
			22	0	00	25
			23	0	05	06
	26	3	0	04	05	
		117	0	00	25	
सियाह	32	113	13	0	03	79
			18/2	0	05	06
			23	0	05	06
	114	3	0	05	06	
		8	0	05	06	

1	2	3	4	5	6	7
सियाह	32	114	13	0	05	31
		18	0	03	29	
		24	0	05	06	
		145	4	00	25	
		146	4	05	06	
		6	0	01	52	
		7	0	03	79	
		15	0	04	30	
		16	0	00	25	
		219	0	01	52	
हड्डताडी	36	5	4	04	05	
		7	0	05	06	
		14	0	05	06	
		17/1	0	00	76	
		17/2	0	04	30	
		24	0	03	04	
		14	16	04	55	
		25	0	05	06	
		16	20	01	01	
		21	0	05	31	
		17	5	05	06	
		6	0	05	06	
		15	0	05	06	
		16	0	02	78	
		31	1/1	01	01	
			1/2	03	54	
			10	05	31	
			11	05	31	
			20	05	31	
			21	02	28	
			110	06	07	
			131	01	01	

[फा. सं. आर-25011/4/2008-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 27th August, 2008

S.O. 2445.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum, from Bijwasan in the State of Delhi to Panipat in the State of Haryana, a pipeline should be laid by the Indian Oil Corporation Limited; And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification; Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein; Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land, to Shri Surender Malik, Competent Authority (Haryana) Indian Oil Corporation Ltd. Northern Region Pipelines, P.O. Panipat Refinery, Baholi, Panipat (Haryana).

SCHEDULE

Tehsil-Panipat		District. Panipat		State:Haryana		
Name of the Village	Hadbast No.	Mushtil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
1	2	3	4	5	6	7
Baholi	12	47	3/1	0	01	01
			3/2	0	02	28
Sithana	14	49	8	0	01	52
			9	0	00	51
			11	0	01	01
			12	0	04	81
			19/1	0	04	30
			19/2	0	03	54
			20	0	14	42
			21	00	06	83
	67	14	0	07	35	
			15/1/1	0	01	52
			15/1/2	0	09	86
			17	0	06	58
			24	0	02	28
			123/3	0	27	82
			124/3	0	17	70
			130/2	0	04	05
			134	0	02	53

1	2	3	4	5	6	7
Mehrana	29	25	22	0	07	84
			23	0	06	83
		32	2	0	00	25
			3	0	16	69
		44	2/1	00	14	42
			3	00	02	53
			8	0	05	06
			13/1	0	02	02
			13/2	0	02	02
			18/1	0	01	52
			18/2	0	03	54
			23	0	02	28
			24	0	03	04
	49	4/1	0	03	54	
		4/2	0	01	52	
		7/1	0	05	06	
		14	0	05	06	
		16	0	00	51	
		17	0	04	55	
		24	0	00	25	
		25	0	05	06	
	62	5	0	05	06	
		6	0	05	06	
		15	0	05	06	
		16	0	02	02	
	63	20	0	03	04	
		21	0	05	06	
	65	1	0	05	06	
		10	0	05	06	
		11	0	03	54	
		12	0	00	51	
		19	0	05	06	
		22	0	05	06	
	77	2/1	0	04	05	
		2/2	0	00	76	
		9	0	05	06	
		12	0	01	52	
		89	0	58	70	
		95/2	0	30	35	
		104	0	03	04	
		106	0	00	76	
		117	0	00	51	
		118	0	01	26	
		119	0	06	83	

1	2	3	4	5	6	7
Mehrana	29		120	0	03	79
			121	0	00	25
			186	0	01	26
			222	0	03	79
Dadlana	25	101	5/2	0	01	26
			6	0	07	84
			7	0	03	04
		102	1/2	0	04	55
			2/2	0	04	55
			3/2	0	04	55
			4/2	0	04	55
			5/2	0	04	55
			6	0	04	55
			7	0	04	55
			8	0	04	55
			9	0	04	55
			10	0	04	55
		103	1/2	0	03	54
			2/2	0	03	54
			3/2	0	03	54
			4/2	0	03	54
			6	0	01	52
			7	0	05	56
			8	0	05	56
			9	0	05	56
			10	0	05	56
Diwana	33	8	22/1	0	03	54
		10	2	0	05	31
			9	0	05	31
			12	0	04	81
			18/2	0	00	51
			19/1	0	01	01
			19/2	0	04	05
			22	0	00	25
			23	0	05	06
	26	3	0	04	05	
		117	0	00		25

1 Siwah	2 32	3 113	4 13	5 0	6 03	7 79
			18/2	0	05	06
			23	0	05	06
		114	3	0	05	06
			8	0	05	06
			13	0	05	31
			18	0	03	29
			24	0	05	06
		145	4	0	00	25
		146	4	0	05	06
			6	0	01	52
			7	0	03	79
			15	0	04	30
			16	0	00	25
			219	0	01	52
Hartari	36	5	4	0	04	05
			7	0	05	06
			14	0	05	06
			17/1	0	00	76
			17/2	0	04	30
			24	0	03	04
		14	16	0	04	55
			25	0	05	06
		16	20	0	01	01
			21	0	05	31
		17	5	0	05	06
			6	0	05	06
			15	0	05	06
			16	0	02	78
		31	1/1	0	01	01
			1/2	0	03	54
			10	0	05	31
			11	0	05	31
			20	0	05	31
			21	0	02	28
			110	0	06	07
			131	0	01	01

[F. No. R-25011/4/2008-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 27 अगस्त, 2008

का. आ. 2446.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तामिलनाडु राज्य में सि पि सि एल् (मनालि रिफैनेरी) से मीनाम्बक्कम एयारपोर्ट तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और ऐसा प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन आवश्यक है ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शातिक्यों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारन जनता को उपलब्ध करा दी जाति है, इकिस दिन के भितर, भूमि में उपयोग के अधिकार का अर्जन या भूमि के निचे पाइपलाइन बिछाने के प्रति लिखित रूप में आक्षेप श्री जि. जयराज, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, ए.टि.एफ्. और चेन्नई-बानालोर पाइपलाइन परियोजना, सं 10, तिरु-भि-का स्टिट, राजाजिपुरम, तिरुभालुर, तामिलनाडु-602 001 को कर सकेगा ।

अनुसूची

तालूका : श्रीपेरुम्बुदूर	जिला : कांचीपुरम	राज्य : तामिलनाडु			
गॉव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
53, वलारपुरम	444	2ए1ए	0	1	71
	440	5	0	3	60

1	2	3	4	5	6
57, राज्यसभा कोटीह	5	2	0	0	84
	13	1	0	0	65
	11	२ए१ए	0	42	54
	57	6	0	8	40
	56	2	0	7	41
	186	३बी	0	1	37
	7	१८	0	21	98
	8	४ए१	0	4	16
	8	४बी१	0	3	60
	8	३ए१ए	0	3	26
	57	२बी	0	6	30
	57	२सी	0	3	84
	57	९ए	0	0	40
	57	९बी	0	0	69
	57	५	0	2	40
	57	७	0	4	80
	56	४	0	2	57
	56	५	0	0	84
	349	९	0	0	40
56, काटरम्बकम	333	१	0	2	86
	334	१ए१ए	0	2	52
	338	१ए१	0	15	38
	335	१ए१	0	1	23
	328	१ए	0	11	88
	288	१ए१	0	3	96
	329	५५एफ १	0	6	48
60, पुदुपाइ	59	१सी	0	4	50
	59	३	0	0	60
	53	१ए	0	2	53
	53	१बी	0	2	00

1	2	3	4	5	6
60, फ़ूड पाइर जारी ...	53	2	0	1	66
	50	6डी	0	1	52
	49	2बी4	0	0	62
	58	5बी	0	3	87
	58	6बी	0	2	43
	58	5	0	0	64
	54	4ए	0	2	75
	54	4बी	0	1	71
	54	4सी	0	1	62
	53	3	0	2	80
	53	4	0	4	08
	53	5ए	0	1	50
	53	5बी	0	1	10
	53	6ए	0	3	12
	53	6बी	0	3	90
	53	6सी	0	0	85
	49	2बी5	0	1	00
61, नन्दाम्बकम	49	2बी7	0	0	50
	656	1ए1ए	0	8	53
	647	8ए	0	0	88
	647	6बी	0	0	66
	635	2बी4	0	0	76
	207	1	0	0	53
	659	11	0	0	78
	656	3बी1ए/1ए1एफ	0	1	66
	648	11ए2	0	1	85
	648	6	0	2	89
	648	7बी	0	1	66
	635	34	0	3	71
	635	2डी1	0	1	33
	633	1ए3	0	5	84
	501	2	0	1	06

	1	2	3	4	5	6
61, नन्दामुखकोटी गार्ही		501	3	0	1	33
		500	1	0	2	74
63, सिरकालातुर	113	-	0	2	00	
91, कुलातुर	756	2	0	1	51	
	601	1	0	8	32	
	592	1	0	0	59	
	577	1ए1ए	0	16	13	
	494	1बी 1	0	2	86	
	108	3	0	5	48	
	98	-	0	0	68	
	11	2सी	0	1	41	
	1379	6ए1	0	4	28	
	953	-	0	3	48	
	601	2	0	3	60	
	578	1ए	0	7	92	
	578	2ए	0	5	82	
	579	1ए	0	0	92	
	567	1ए1ए	0	4	46	
	561	2	0	0	40	
	561	3ए1ए	0	7	28	
	109	2बी	0	2	93	
	109	2ए	0	2	28	
	100	2बी 1	0	4	68	
	11	4	0	2	16	
	11	5	0	1	94	
	11	6	0	2	16	
	1379	5	0	2	00	
	1379	6बी	0	6	16	
	1379	6ए3	0	4	68	

1	2	3	4	5	6
१। कुन्नोत्तर गारी ...	1379	642	0	12	96
	18	9	0	1	80
	3	2ए	0	0	82
	3	3	0	1	30
८२. रेन्डिक्टलाइ	121	1बी	0	1	80
	121	2	0	2	00
	122	-	0	3	00
८३. ताराम्पक्कम	211	1बी	0	0	50
	203	5	0	0	40
	213	-	0	6	75
	214	1ए	0	4	00
	214	1बी	0	0	57
	216	1	0	1	32
	215	1	0	3	72
	215	2	0	3	96
	215	3	0	10	56

[फा. सं. आर-25011/11/2006-ओ.आर-I]

एस. के. चिट्कारा, अवर सचिव

New Delhi, the 27th August, 2008

S.O. 2446.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from CPCL (Manali Refinery) to Meenambakkam Airport in the State of Tamilnadu, a pipeline should be laid by the Indian Oil Corporation Limited, for implementing the Chennai ATF Pipeline Project.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the Land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (I) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of pipeline under the land to Shri G. Jayaraj, Competent Authority, Indian Oil Corporation Limited, ATF & Chennai-Bangalore Pipeline Project, No. 10, Thiru-Vi-Ka Street, Rajajipuram, Tiruvallur, Tamilnadu-602 001.

Schedule

Taluk : Sriperumbudur		District : Kanchipuram		State : Tamilnadu		
Name of the Village	Survey No.	Sub-Division No	Hectare	Are	Square meter	
1	2	3	4	5	6	
53, Valarpuram	444	2A1A	0	1	71	
57, Irrungattukottai	440	5	0	3	60	
	5	2	0	0	84	
	13	1	0	0	65	
	11	2A1A	0	42	54	
	57	6	0	8	40	
	56	2	0	7	41	
	186	3B	0	1	37	
	7	18	0	21	98	
	8	4A1	0	4	16	
	8	4B1	0	3	60	
	8	3A1A	0	3	26	
	57	2B	0	6	30	
	57	2C	0	3	84	
	57	9A	0	0	40	
	57	9B	0	0	69	
	57	5	0	2	40	
	57	7	0	4	80	
	56	4	0	2	57	
	56	5	0	0	84	
		349	9	0	40	

1	2	3	4	5	6
56, Katrambakkam	333	1	0	2	86
	334	1A1A'	0	2	52
	338	1A1	0	15	38
	335	1A1	0	1	23
	328	1A	0	11	88
	288	1A1	0	3	96
	329	56F1	0	6	48
60, Puduppair	59	1C	0	4	50
	59	3	0	0	60
	53	1A	0	2	53
	53	1B	0	2	0
	53	2	0	1	66
	50	6D	0	1	52
	49	2B4	0	0	62
	58	5B	0	3	87
	58	6B	0	2	43
	59	5	0	0	64
	54	4A	0	2	75
	54	4B	0	1	71
	54	4C	0	1	62
	53	3	0	2	80
	53	4	0	4	08
	53	5A	0	1	50
	53	5B	0	1	10
	53	6A	0	3	12
	53	6B	0	3	90
	53	6C	0	0	85
	49	2B5	0	1	00
	49	2B7	0	0	50

1	2	3	4	5	6
61, Nandambakkam	656	1A1A	0	8	53
	647	8A	0	0	88
	647	6B	0	0	86
	635	2B4	0	0	76
	207	1	0	0	53
	659	11	0	0	78
	656	3B1A/1A1F	0	1	66
	648	11A2	0	1	85
	648	6	0	2	89
	648	7B	0	1	66
	635	34	0	3	71
	635	2D1	0	1	33
	633	1A3	0	5	84
	501	2	0	1	06
	501	3	0	1	33
	500	1	0	2	74
63, Sirukalathur	113	-	0	2	00
91, Kunnathur	756	2	0	1	51
	601	1	0	8	32
	592	1	0	0	59
	577	1A1A	0	16	13
	494	1B1	0	2	86
	108	3	0	5	48
	98	-	0	0	68
	11	2C	0	1	41
	1379	6A1	0	4	28
	953	-	0	3	48

1	2	3	4	5	6
	601	2	0	3	60
	578	1A	0	7	92
	578	2A	0	5	82
	579	1A	0	0	92
	567	1A1A	0	4	46
	561	2	0	0	40
	561	3A1	0	7	28
	109	2B	0	2	93
	109	2A	0	2	28
	100	2B1	0	4	68
	11	4	0	2	16
	11	5	0	1	94
	11	6	0	2	16
	1379	5	0	2	00
	1379	6B	0	6	16
	1379	6A3	0	4	68
	1379	6A2	0	12	96
	18	9	0	1	80
	3	2A	0	0	82
	3	3	0	1	30
82, Rendankattalai	121	1B	0	1	80
	121	2	0	2	00
	122	-	0	3	00
81, Tharappakkam	211	1B	0	0	50
	203	5	0	0	40
	213	-	0	6	75
	214	1A	0	4	00

1	2	3	4	5	6
	214	18	0	0	57
	216	1	0	1	32
	215	1	0	3	72
	215	2	0	3	96
	215	3	0	10	56

[F. No. R-25011/11/2006-O.R.-I]
S. K. CHITKARA, Under Secy.

नई दिल्ली, 28 अगस्त, 2008

का. आ. 2447.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में वाडीनार से मध्यप्रदेश राज्य में बीना तक कूड़ आयल के परिवहन हेतु भारत ओमान रिफाइनरीज लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपरबढ़ अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेटोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबढ़ है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियों साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री अरविन्द खेरे, सक्षम प्राधिकारी, वाडीनार-बीना कूड़ आयल पाइपलाइन परियोजना भारत ओमान रिफाइनरीज लिमिटेड, 8/5, वैशाली नानाखेड़ा बस स्टेप्ल के पास, उज्जैन—456 010 324005 (मध्यप्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : बड़नगर		जिला : उज्जैन	राज्य : मध्यप्रदेश	
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में	
1	2	3	4	
1.	सुन्दराबाद	192	0.09	
		337	0.17	
		438	0.41	
2.	जलोदसंजर	368	0.15	
3.	कमानपुर	21/1-2	0.27	
		75	0.10	
4.	कल्याणपुरा	187	0.47	
5.	मालपुरा	171	0.10	

[फ. सं. आर-31015/15/2008-ओ.आर. II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 28th August, 2008

S.O. 2447.—Whereas it appears to the Central Government that it is necessary in the public interest that for transportation of Crude Oil from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh should be laid by Bharat Oman Refineries Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire that right of user in land under which the said pipeline is proposed to be laid and which is described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section(1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Arvind Khare, Competent Authority, Vadinar-Bina Crude Oil Pipeline Project, Bharat Oman Refineries Limited, 8/5, "Vaishali", Near Nanakhed Bus Stand, Ujjain-456 010 (Madhya Pradesh).

SCHEDULE

TEHSIL : BADNAGER		DISTRICT : UJJAIN	STATE : MADHYA PRADESH
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1.	SUNDRABAD	192	0.09
		337	0.17
		438	0.41
2	JALODSANJAR	368	0.15
3.	KMANPUR	21/1-2	0.27
		75	0.10
4.	KLYANPURA	187	0.47
5.	MALPURA	171	0.10

[No. R-31015/15/2008-O.R.-II]
A. GOSWAMI, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 1 अगस्त, 2008

क्रा. आ. 2448.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जवाहर लाल इन्स्टीट्यूट आफ पोस्ट ग्रेजुएशन मेडिकल एजुकेशन एण्ड रिसर्च के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ सं. 25/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-08-2008 को प्राप्त हुआ था।

[सं. एल-42012/97/2005-आई.आर.(सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 1st August, 2008

S.O. 2448.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the management of Thiruvanmiyur, Jawaharlal Instit. of Post-Graduation Medical Edu. and their workmen, received by the Central Government on 01-08-2008.

[No. L-42012/97/2005-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, CHENNAI.

Monday, the 23rd June, 2008

Present: K. Jayaraman, Presiding Officer

Industrial Dispute No. 25/2006

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of JIPMER and their workmen)

BETWEEN

The President
Jipmer Hospital Employees
Union, Pondicherry : 1st Party, Petitioner

AND

The Director
Jawahar Lal Institute of Post
Graduation Medical Education
and Research, Dhanvantari
Nagar Pondicherry : 2nd Party/ Respondent

APPEARANCES

For the 1st Party/Petitioner : M/s. R. Vaigai,
Anna

For the 2nd Party/Management : Mr. M.T. Arunan, CGC

AWARD

The Central Government, Ministry of Labour vide its Order No. L-42012/97/2005 IR(B-1), dated 19-4-2006 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the demand of the JIPMER Hospital employees Union to confer regular status from the date of initial appointment as daily rated labour in respect of the 119 employees is legal and justified? If not, to what relief they are entitled?”

2. After the receipt of the Industrial Dispute, this Tribunal has numbered it as ID 25/2006 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows:

The petitioner union espouses the cause of 119 employees of 'C' and 'D' group, non-gazetted workmen of Jawaharlal Institute of Post Graduate Medical Education and Research (JIPMER). All the employees concerned except number 9 have been working in JIPMER for a minimum of 10 years and more and they were employed through the Employment Exchange. They were appointed through Employment Exchange either as contingent labour or as daily wagers. They were made to do jobs of Safaiwala, Fitter, Messenger, Stretcher Bearer as well as Nursing Attendants. The Respondent Hospital called them for regular appointment for the post of Nursing Attendants through the Employment Exchange as per the Recruitment Rules. The concerned employees attended the interview and were selected on fulfilling all the requirement of the Recruitment Rules. But, however, they were merely given again Appointment Orders as daily wagers. Most of the workers after some years were confirmed either as Nursing Attendants or Safaiwala, Watchman, Helper, Stretcher Bearer etc. There was no justification in Respondent Management appointing them as daily rated employees even after they were selected as per rules for regular posts. The petitioner understands that there were available vacancies and yet the Respondent adopted the method of appointing those properly selected as daily rated labour or temporary workers and thereby denied them due seniority and salary. Further more, as regular employees, the Respondent made direct recruitment to the post of Nursing Attendants and appointed such employees on regular basis before confirming the concerned employees as such. Thus,

the members of the petitioner union had lost their seniority and other benefits. The action of the Respondent Management is illegal and it also amounts to unfair labour practice and arbitrary. Therefore, the 119 workers of the petitioner union are entitled to be treated as regular employees in the respective post for which they were called for interview and are entitled to the benefits of regular services and the petitioner union prays that an award may be passed in their favour for regularization.

4. As against this, the Respondent in his Counter Statement alleged the mode of appointment for the post of Nursing Attendant/Safaiwala and other Group 'D' posts in JIPMER was to call candidates from the Employment Exchange for an interview and such of the candidates who get selected in the interview were appointed to the post for which they were called for interview. Keeping in view of the public interest, the vacancies caused due to regular employees going on leave thereby affecting the patient care or for any other reason the persons who were waitlisted for interview conducted for the post of Nursing Attendant/ Group 'D' were given an offer of appointment as daily rated labour after intimating the Employment Exchange. In case when sufficient candidates were not available even amongst the waitlisted candidate for short term appointment, a separate interview was held for daily rated labour. Out of 119 candidates, only 33 candidates were called for the post of daily rated labour and were appointed as daily rated labour, others were appointed from the waitlisted candidates who could not get selected on the vacancy notified. Further, only those who had accepted the offer were appointed as daily rated labour. As per Govt. of India No. 51016/2/90-Estt.(C) dated 10-9-1993, temporary status were to be extended to those daily rated labours who had completed 240 days in a year. Accordingly, all the daily rated labours have been extended the benefit of temporary status and absorbed in the available vacancies. Subsequently, there were some regular vacancies which were notified and the daily rated labours applied and got selected on their own merit by competing with outsiders after undergoing the selection procedure. Their case is entirely different which cannot be compared. The post of Safaiwala and Nursing Attendant carried the same scale of pay. But, the mode of recruitment is different. According to the notified Recruitment Rules, for the post of Nursing Attendant, 75% of the post is to be filled by direct recruitment and the remaining 25% of the post is filled amongst Safaiwala with requisite qualification. The persons who had been recruited as daily rated labour were regularized depending upon the availability of vacancies and 50% of the services were counted for pensionary benefits. Therefore, the allegation that the concerned employees have lost substantially in their seniority and in the number of years of service for the purpose of pensionary benefits is not correct. It is not correct to say that daily rated labour are being ignored for the post of Nursing

Attendant when the post of Nursing Attendant was advertised in the Employment News. Regular status is given only when a clear vacancy exists after completion of formalities. Therefore, without a clear vacancy one cannot be regularized and all the members of the petitioner union will be appointed as and when vacancies were available. Hence, the Respondent prays that the claim may be dismissed with costs.

5. As against this, the petitioner in his rejoinder alleged that it is denied that the Respondent appointed the members of the petitioner union as temporary or daily rated contingent staff or on adhoc basis due to want of vacancies. The members of the petitioner union were called for interview for regular appointment as Messenger (MRD) or Asstt. Gardener, Nursing Attendant or Helper or Peon or Watchman but no one was appointed on regular basis. They were given the post only on ad-hoc or temporary or daily rated basis. The Respondent never made any regular appointments in view of the ban order issued by the Govt. of India against the filling up of regular vacancies. It is false to allege that the members of the petitioner union were appointed from the alleged waiting list in order to meet leave vacancies. The Selection Committee which interviewed the members of the petitioner union for the respective posts was a regular Selection Committee as per the rules. It is false to allege that only after the members of the petitioner union were absorbed any direct recruitment for regular postings took place for the post of Nursing Attendant but on the other hand regular appointment was given to the members of the petitioner union only after the outsiders were recruited directly and posted as regular Nursing Attendants. The members of the petitioner union possess the necessary criteria as per the rules and they were to be posted as Nursing Attendant. Hence, the petitioner union prays an award may be passed in favour of the concerned employees.

6. Points for determination are:

- Whether the demand of the petitioner union to confer regular status to the concerned employees from the date of initial appointment is legal and justified?
- To what relief the concerned employees are entitled?

Point No. I

7. The case of the petitioner union is that the 119 employees have been working in JIPMER except S.No. 9 for a minimum of 10 years and more. They were appointed either on contract labour or as daily wages and they were doing the jobs of Safaiwala, Fitter, Messenger, Stretcher Bearer as well as Nursing Attendants. Though, the Respondent Management called them for regular appointment, subsequent to their appointment, it was

informed to them that they were selected for daily rated labours. They were subsequently confirmed either as Nursing Attendants or Safaiwala, Watchman, Helper, Stretcher Bearer etc. It is the further allegation of the petitioner union that there was no justification in the Respondent Management appointing them as daily rated labourers even after they were selected as per the rules for the regular post. Furthermore, the Respondent Management made direct recruitment to the post of Nursing Attendant and appointed such employees on regular basis before confirming the concerned employees. Thus, the member of the petitioner union had lost their seniority and other benefits. Therefore, the union contended that since the concerned employees have been selected for the post, it is illegal to treat them as temporary employees or daily wagers and the petitioner further contended that it amounts to unfair labour practice and arbitrary. Therefore, they prayed this Tribunal to pass an award holding that the 119 workers are entitled to be treated as regular employees from the date of their initial appointment and with all consequential relief of seniority and pay and other benefits. But it is the contention of the Respondent that the Nursing Attendant/Safaiwala which are Group 'D' post was appointed after calling suitable candidates from the Employment Exchange for an interview and those candidates who got selected in the interview were appointed to the post for which they were called for interview but due to emergency caused due to regular employees going on leave which affects the care of the patients and for other reasons the persons who were waitlisted in the interview were given an offer of appointment as daily rated labourer. As per the Govt. of India order 1993, temporary status were extended to all daily rated labourers who had completed 240 days in a year. Therefore, regular status are given only when a clear vacancy exists after completion of formalities and without a clear vacancy no one can be regularized by the Respondent Management. In this case, the General Secretary of the petitioner union was examined as PW1 and he has produced 13 documents which are marked as Ex.W1 to Ex.W13 in series. Ex.W1 is the list of the names of 119 employees and Ex.W2 series is the interview letters to one of the concerned employees viz. E. Saravanan (MRD) and other order of appointments. Similarly, Ex.W3 to Ex.W8 are the interview letters to one P. Rajan, A. Datchanamourthy, Rajappa, Mourgasamy, Palani & Canniammal. Ex.W9 is the copy of the seniority list of Safaiwala as on 20-12-2005. Ex.W10 is the copy of the seniority list of Nursing Attendant as on 30-04-2006. Ex.W11 and Ex. W12 are the copy of Recruitment Rules for Nursing Attendant and for Safaiwala respectively. Ex. W13 is the copy of Chapter 23 of their manual with regard to casual labourers. As against this, on the side of the Respondent, one Dr. P.C. Bordoloi who is the Additional Medical Superintendent (Admn.) of the Respondent Management was examined as MW1 and on his side only the authorization letter given by the Director of the Respondent

Management was marked as Ex. M1. The General Secretary of the petitioner Union in his evidence has stated, what are all the allegations made in the Claim Statement. Further, he alleged that many of the petitioner members were given regular appointments only after outsiders were recruited directly and posted as regular Nursing Attendant and/or in other posts and he further alleged that the Respondent's action in this regard is unjust/ unreasonable and arbitrary and on the other hand on behalf of the Respondent it is alleged that the Respondent Management is a Central Government Undertaking and it has got separate Recruitment Rules for Group 'C' & 'D' workers and they are appointed as Group 'C' & Group 'D' as per the Recruitment Rules. These 119 workmen viz. the concerned employees were not appointed as per the Recruitment Rules and, therefore, they are not entitled to any relief in this dispute.

8. The learned counsel for the Petitioner contended though the Respondent alleged that these 119 employees were not selected as per the Recruitment Rules, they have not stated how they have been selected for the post of Nursing Attendant/Safaiwala and other posts. From Ex.W2 to Ex.W8, it is clear that these persons were called for regular posts viz. Messenger (MRD), Asstt. Gardener, Nursing Attendant, Helper, Peon, Waterman, etc. In their interview letter, it has not been stated that they were called for temporary post or daily rated employment on the other hand, only after they have been selected, they have been informed that they have selected them for temporary post. Only to know on the date of their selection, how many posts were vacant, what are the sanctioned posts for the post of Nursing Attendant, Safaiwala, Asstt. Gardener, Helper, Peon, etc. the petitioner has filed an application for the production of documents even though this Tribunal has ordered the Respondent to produce the documents sought for by the petitioner, though they have produced certain documents but they are not relevant for deciding the issue. They have not clearly stated how many posts are vacant and how many posts were sanctioned for the said post. Under such circumstances, it is futile to contend that the concerned employees were selected only as daily rated labourers. Since the Respondent Management is a Central Government Undertaking, they have to act as a model employer, but on the other hand, though the concerned employees have worked for more than 10 years, they have not been regularized, under such circumstances, the action of the Respondent Management amounts to unfair labour practice and arbitrary. The learned counsel for the Petitioner further relied on number of rulings to establish the action of the Respondent Management as unlawful, unjustified.

9. The first case relied on by the learned counsel for the Petitioner is reported in 1985 4 SCC 201 H.D. SINGH VS. RBI AND OTHERS which is called "Tikka Mazdoor Case" wherein the Supreme Court has held "workman offered work on rotation basis treated as badli worker and

continued as such for years together will amount to unfair labour practice".

10. The next decision relied on by the learned counsel for the Petitioner is reported in 2007 4 SCC 94 SHRIRAM INDUSTRIAL ENTERPRISES LTD.VS. MAHAK SINGH AND OTHERS wherein the Supreme Court has held when a Court can take adverse inference against the party, it held "drawing an adverse inference against the party for non-production of documents in its possession and taking notice of the expression 'continuous service' under Section-2(G) of the U.P. Act" and further held the termination of the service of the workman was in violation of Section-6 (N) of the U.P. Act and granted consequential relief. It observed in that judgment, the workmen in that case had proved that they have worked for more than 240 days in a calendar year and they also called upon the employer to produce before the Court the nominal muster roll for the given period, the letter of appointment or termination, if any, the wage register, the attendance register, etc. but the Management has not produced relevant records, but they have produced documents which will prove their contention. In that case, the Supreme Court has held "drawing of adverse inference ultimately would depend upon thereafter on the facts of the case". Though, some of the Supreme Court decisions held that mere affidavits are self-serving statements made by the claimant workman will not suffice in the matter of discharge of the burden placed by law on the workman to prove that he had worked for 240 days in a given year. The said judgment further laid down that mere non-production of muster rolls per se without any plea of suppression by the claimant workman will not be a ground for the Tribunal to draw an adverse inference against the Management but the Supreme Court in that case held "the workman had discharged their initial onus by producing whatever documents were in their custody, therefore, the onus had thereafter had shifted to the Management when the workman asked for production of attendance registers and the muster rolls from 1991 onwards. On the failure of the Management to produce the said documents, it has taken an adverse presumption". Taking advantage of this judgment, the learned counsel for the Petitioner contended in this case it is admitted by the Respondent Management that the concerned employees were selected for the posts but due to non-vacancy of the posts, they have been working on daily rated labour but they have not produced any document to show what are the sanctioned strength for all the posts and what were the vacancy position at that time. Even though, the petitioner has filed a petition for production of documents from them, the Respondent Management without producing the relevant documents, produced certain documents which are not relevant for deciding the issued in this case. Hence, this Tribunal has to take an adverse inference against the Respondent Management that if the documents sought for were produced before

this Tribunal, it will establish the arbitrary action of the Respondent Management.

11. Then again, the learned counsel for the Petitioner relied on the ruling reported in 2006 8 SCC 330 APPSC VS. P. CHANDRA MOULEESWARI REDDY AND OTHERS. In that case, when the Andhra Pradesh Public Service Commission advertised 19 posts for recruitment to the post of Dy. Superintendent of Police and when the selection process ensued in furtherance thereof, in response to the advertisement inter alia, Respondents 1 and 3 applied. They appeared in the regular examination and in the interview. At that stage, the State Government directed the Commission to fill up only 10 posts, which the Commission complied with. An exercise was carried out accordingly by the Commission purported to be in terms of Rule-6 of the Public Service Commission Rules. Thereupon, the Respondents filed an application before the Administrative Tribunal wherein the Govt. has admitted that it was only a mistake of fact. When the matter came up before the Supreme Court, the Supreme Court has held "the law cannot be permitted to act unfairly. The country is governed by a rule of law and not by men. Thus, although a mistake had been committed by the State, the same cannot be perpetuated only because the Commission will have to undertake the selection process again and particularly in view of the fact that the State of Andhra Pradesh did not question the order passed by the Tribunal". Accordingly, the Supreme Court dismissed the application filed by the Public Service Commission.

12. The next decision relied on by the learned counsel for the Petitioner is reported in 2007 3 CURRENT TAMIL NADU CASES CPC 672 V. RADHAKRISHNAN AND OTHERS VS. THE REGISTRAR, CAT AND OTHERS wherein the Division Bench of the Madras High Court when dealing with the regularization of service of the casual daily labourers has held "thus having regard to the peculiar facts and circumstances of this case viz. (i) the continuance of the petitioners in service for more than two decades that too after conferring on them temporary status and putting them under time-scale of pay and (ii) the fact that the Respondents 3 and 4 have written to the second Respondent Union of India in respect of creation of Group 'D' post for fitting in the petitioners, thereby, complying with the repeated directions of the Tribunal and the matter has been kept pending by the latter for long number of years simply attributing the reason that creation of post is a complex process involving cumbersome formalities will not hold water and it further directed the Management to create the post for the purpose of conferring permanent status on the petitioners".

13. Then the learned counsel for the Petitioner relied on the ruling reported in latest judgment in which the Supreme Court in 2008 1 SCC (I&S) 736 UP STATE ELECTRICITY BOARD VS. POORAN CHANDRA

PANDEY AND OTHERS held “we have constrained to refer the decisions and principles contained therein because we find that often Uma Devi’s case is being applied by Courts mechanically as if it were a Euclid’s formula without seeing the facts of a particular case”. As observed by this Court in BHAV NAGAR UNIVERSITY VS. PALITANA SUGAR MILLS (P) LTD. 2003 2 SCC 111 AND BPCL AND ANOTHER VS. N.R. VAIRAMANI AND ANOTHER AIR 2004 SC 4778 “little difference in facts or even one additional fact may make a lot of difference in the precedential value of a decision, hence, in our opinion Uma Devi’s case cannot be applied mechanically without seeing the facts of a particular case as a little difference in facts can make Uma Devi’s case inapplicable to the facts of that case”. The learned counsel for the Petitioner relied on the above rulings and argued that though the Respondent Management has relied on the ruling reported in Uma Devi’s case, even in that case the five judges of the Supreme Court has stated “as a one time measure the service if such irregularly appointed who have worked for ten years or more in duly sanctioned posts but not under cover of order of the Courts or of Tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up in cases where temporary employees or daily wagers are being employed” and he further argued in the case in hand, the service of the concerned employees have been necessitated for the Admn. of the Hospital authorities for more than one decade and they have also been accorded temporary status on them and, though the Respondent Management have consistently taken the stand that the concerned employees will be absorbed after the creation of Group ‘D’ posts or as and when vacancy arises, the position is same for number of years and there is no fruitful fact shown or to be made in respect of creation of Group ‘D’ posts and, therefore, this Tribunal is to interfere and to regularize the concerned employees in the administration of the Respondent Management.

14. But as against this, the learned counsel for the Respondent contended that the concerned employees were selected only as a daily casual worker and they are only temporary employees. It is well settled that a temporary employee has no right to that post. The term temporary employee has got several sub-categories viz. casual employee, daily rated labour, ad-hoc employees, etc. and they are not being appointed to that post by following regular procedure and they have been appointed only due to need basis and due to leave vacancy. It is held in number of decisions of the Supreme Court that such employees cannot be regularized as regularization is not a mode of recruitment. Further, in the SECRETARY, STATE OF KARNATAKA AND OTHERS VS. UMA DEVI AND OTHERS 2006 4 SCC 1 the five judges bench of the Supreme Court has clearly held “no temporary employee can be regularized without following the Recruitment

Rules”. In this case, the concerned employees have not been appointed as per the Recruitment Rules and, therefore, they are not entitled to any relief much less as asked by them. Having carefully considered the rulings submitted made on behalf of the Respondent Authority, I am of the opinion that the contention of the Respondent Management is not fair because in this case the concerned employees were selected by the Respondent Management for the posts. In the interview letters, they have not mentioned that the selection for the post is a temporary one, on the other hand, in the appointment letter only they have mentioned that their selection is of a temporary one. Further, the Respondent Management has not produced relevant documents to show what is the vacancy position at the time of interview called for by them and what are the sanctioned strength for the posts, therefore, I find the action of the Respondent Management in not regularizing the concerned employees amounts to unfair labour practice and is arbitrary. As such, I find this point in favour of the concerned employees.

Point No. 2

The next point to be decided in this case is to what relief the concerned employees are entitled to?

15. In view of my finding, that the demand of the concerned employees to confer regular status is legal and justified. I find the concerned employees are entitled to the relief claimed by them. The next thing to be decided in this case is from which date it has to be conferred. Though, they have claimed the conferment of regular status from the date of their initial appointment, I find it cannot be given since this Tribunal cannot know the status at the time of their appointment. Under such circumstances, I am of the opinion, it should be just and proper to direct the Respondent to create Group ‘D’ posts in their Management for the purpose of conferring permanent status on the concerned employees and three months time is to be given to create Group ‘D’ posts in the Respondent Management.

16. Thus the reference is disposed of accordingly.

(Dictated *to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 23rd June, 2008)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:

For the I Party/Petitioner	WWI Sri R. Arochiam Kalaimathi
For the II Party/Management	MW1 Sri Pradeep Chandra Bordoloi

Documents Marked :

On the petitioner's side

Ex.No.	Date	Description
Ex.W1	—	Petitioner Members list
Ex.W2	05-03-1990 to	Interview letter to E.Saravanan

series	16-12-1994	for the post of Messenger (MRD) and other orders of appointment, etc.	New Delhi, the 1st August, 2008
Ex. W3	05-07-1984 to series 07-04-1994	Interview letter to P. Rajan for the post of Asstt. Gardner and orders of appointment, etc.	S.O. 2449.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 27/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the management of Indian Bank and their workmen, received by the Central Government on 01-08-2008.
Ex. W4	14-02-1995 to series 26-08-1997	Interview letter to J. Datchanamourthy for the post of Nursing Attendant and appointment orders, etc.	[No. L-12011/135/2006-IR(B-II)] RAJINDER KUMAR, Desk Officer
Ex. W5	03-08-1993 to series 09-10-1985	Interview letter to Rajappa for the post of Helper, appointment orders, etc.	
Ex. W6	20-02-1992 to series 17-02-2000	Interview letter to S. Mourougasamy for the post of Peon, appointment order, etc.	
Ex. W7	29-01-1993 to 26-08-1997 point-	Interview letter to P. Palani for the post of Watchman, appointment orders, etc.	BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI
Ex. W8	12-09-1992 to series 05-07-2000	Interview letter and other orders relating to Canniamalle	Monday, the 7th July, 2008
Ex. W9	28-10-2005 series	Seniority list of Safaiwala as on 20-12-2005	Present : K. Jayaraman, Presiding Officer
Ex. W10	18-05-2006	Seniority list of Nursing Attendant as on 30-4-2006	Industrial Dispute No. 27/2007
Ex. W11	—	Recruitment Rules for Nursing Attendants	(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947(14 of 1947), between the Management of Indian Bank and their workmen)
Ex. W12	—	Recruitment Rules for Safaiwala	BETWEEN
Ex. W13	—	Chapter-23 with regard to casual labours	The General Secretary, Indian Bank Employees Association (TN) 250, Linghi Street, Chennai-600 001 : 1st Party/Petitioner Union
On the Management's side		Vs.	
Ex. No.	Date	Description	The Dy. General Manager, Indian Bank, Circle Office 510/511, Gandhi Road Kancheepuram-631 501 : 2nd Party/Respondent
Ex. M1	21-02-2007	Letter of authorization given by Director to Additional Medical Superintendent (Administration)	
नई दिल्ली, 1 अगस्त, 2008			
का. आ. 2449.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. 27/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-08-2008 को प्राप्त हुआ था।			

[सं. एल-12011/135/2006-आई.आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

For the Petitioner : Sri R. Sekar, Authorised Representative
 For the Management : Mr. P. Sankar, Authorised Representative

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12011/135/2006 IR(B-II) dated 19-6-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of the Indian Bank in transferring Sri K. Balu from

Guduvancheri Branch to Tirupachur Branch and Smt. Santhanalakshmi from Guduvancheri Branch to Nallambakkam Branch is legal and just?" if not, to what relief the concerned workmen are entitled?

2. After the receipt of the Industrial Dispute, this Tribunal has numbered it as ID 27/2007 and issued notices to both sides. Both sides entered appearance through their special representative and filed their Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :

The Petitioner Union espouses the cause of Sri K. Balu who is working as Sub-staff and also Smt. M. Santhanalakshmi who is working as Clerk; the member of the Petitioner Union. Sri. K. Balu, while he was working in Guduvanchery branch has been issued a memo on 04-04-2005 on the allegation of missing of pass book of Saving Bank account of a customer on 24-11-2004 and subsequent forged withdrawal in the account and asked the concerned employee to reply for the above charges. The said Sri K. Balu denied knowledge about the missing pass book and also the alleged forged withdrawal in the account. While so, the Management of Kancheepuram Circle of the Respondent Office abruptly issued a Transfer Order to Sri K. Balu transferring him to Tirupachur branch in Tiruvellore district in total violation of the Bank Level Transfer Settlement for Sub-staff. Similarly, another member of the petitioner union, Smt. M. Santhanalakshmi who is working as Clerk on compassionate grounds was also issued Transfer Order transferring her to Nallambakkam branch in utter violation of bank level transfer settlement for Clerical staff. The petitioner union has taken up the case of the above employees and issued notices to the Management for which the Management has replied that the Transfer Order was effected due to necessities of administration and exigencies of service. But the letter dated 16-12-2005 claimed that the Transfer Orders issued to the above employees were in consequence of frauds that have been taking place in Guduvanchery branch since 1998. The Respondent Management instead of finding the real culprits for the frauds that have been taking place since 1998 in Guduvancheri branch chose to punish the innocent employees by way of victimization transfer. These employees were punished by way of transfer without trial or enquiry and in complete violation of bank level settlements. Sri K. Balu was the only subordinate staff available in Guduvancheri branch. Subordinate staff are ordinarily and generally not subjected to transfer against their willingness. Further, they are also not subject to transfer outside the district in which they are originally employed. Hence, transfer of Sri K. Balu to Tirupachur is mala fide and is perverse in nature. It is punitive in character. Though, Sri K. Balu was issued a show cause notice on 04-04-2005, the Circle Office, Kancheepuram closed the case vide its letter dated 10-04-2006. Under such circumstances,

transferring Sri K. Balu from Guduvancheri is perverse in nature. With regard to Smt. Santhanalakshmi, she is a widow aged 51 years. The clerical staff are governed by transfer policy dated 26-06-2001. As per the terms of the policy, staff members who have completed 5 years of service in a branch/office would come the periodical transfer. However, there are certain exempted categories. It has been specifically provided that widows and female employees above 50 years of age would be exempted from periodical transfers and the exempted categories of employees can be transferred only among the branch/office within the same place/centre. Therefore, the transfer of Smt. Santhanalakshmi to Nallambakkam branch is in total violation of periodical transfer policy. It is a fact that Smt. Santhanalakshmi was not involved in any way in the frauds in Guduvancheri branch. She has not been served with any show cause notice with regard to frauds. Hence, the transfers is classic case of victimization. Further, the Transfer Orders issued to the employees by the authorities are in violation of human rights. Hence, for all these reasons, the Petitioner Union prays to quash the order of transfer and consequently direct the Respondent to retransfer the employees to the same branch.

4. As against this, the Respondent Bank in its Counter Statement alleged that this dispute does not qualify to be an Industrial Dispute at all because there is no change in the conditions of service of the said two workmen because of the transfer to attract Section-2(K) of the ID Act. The concerned employees have accepted the transfer and joined at the respective places. Hence, no dispute exists as of now. Since 1998, there have been number of frauds in Guduvancheri branch of the Respondent Bank and all were fraudulent withdrawal of money from SB Accounts of the customers. The modus operandi in all these frauds have been more or less similar. The request letters for issuance of cheque books by the customer were also missing, leading to the suspicion of involvement of insider staff and, thus, spoiling the image of the Respondent Bank in the minds of banking public. So as matter of preventive vigilance, a conscious decision has been taken by the bank to transfer all the staff members of the branch irrespective of the cadre whether they belong to Officers cadre or Award Staff cadre where such unwanted things happen. Thus, the transfer of all the staff at branches where frauds of public money had been repeatedly taken place has been made not as a measure of punishment, but on justifiable grounds with reasons of public interest and as a conscious administrative decision. Smt. Santhanalakshmi and Sri K. Balu were one among such staff who were transferred and they may not be an exception. The show cause issued to Sri K. Balu has nothing to do with his transfer. It is well settled that no Govt. Servant can stake claim to remain on a particular post or at particular place for ever. Transfers of staff at Guduvancheri branch including Smt. M. Santhanalakshmi and Sri K. Balu were made as a measure of preventive vigilance and there is no mafasides in it.

It is not correct to say that the transfer of Smt. Santhanakshmi is made under periodical transfer policy. Smt. Santhanakshmi is not appointed to a non-transferable post. Considering her position of being a widow, the Respondent Bank posted her only to the nearest branch i.e. within 10 kms. and she has accepted the order and joined the duty. Now the Petitioner Union is trying to take advantage of the "widow clause" to enable the employees to remain in the same station indefinitely especially when all other staff members have been transferred on grounds of preventive vigilance. Therefore, there is no illegality in it. It is well settled by the High Courts and Supreme Court that an order of transfer could not interfere with the conditions of service as transfer is purely an incidence of service. The transfer effected to the concerned employees was mainly due to administrative exigencies involving interest of banking public and the action of the Bank is bona fide. Since the transfer would not fall under the purview of periodical transfer, there is no violation of settlement. Similarly, the transfer of Sri K. Balu is also made in view of the frequency of frauds on the customer's money and in order to protect the interest of banking public. The posting of Sri K. Balu to another branch within the linguistic area on administrative exigency cannot be construed as malafide. Further, posting has been made within the language area as per the award. It is well settled that transfer is an incident of service and is not be interfered with unless it is proved to be clearly arbitrary or made on considerations other than exigencies of service. These transfers have not been resorted to by way of any penal action. It is prompted by administrative exigencies only. Transfer is a Management function and the guidelines of transfer do not confer upon the petitioner union any legally enforceable right. In a situation that prevailed in Guduvanchery branch, transfers were necessitated on account of long stint of years of continuous service at that branch by employees. It is not correct to say the concerned employees are carrying a stigma. It is pertinent to point that the staff irrespective of affiliation to different unions/associations have been transferred from Guduvancheri branch. Therefore, the transfers are reasonable, fair and exercised in public interest and they are just and legal. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. Again the petitioner in his rejoinder statement alleged the allegation of the Respondent that the workmen themselves have accepted the transfer and joined in the new station is perverse in nature and sadistic in content knowing fully well that the employees who depend solely on the salary income cannot afford to stay put in the house against the abuse of power by the Respondent. The Respondent should explain the efforts taken for identifying the culprits and also the system and procedures in place or lack of it for safeguarding the

general public money. Otherwise, the said transfers are arbitrary in nature and cannot stand in the scrutiny of law. Only to cover up their failure, the concerned employees were transferred from Guduvancheri branch under a very lame excuse of preventive vigilance. Hence, the transfers are malafide in nature and victimizing in effect. The only fault of the concerned employees is that they worked sincerely in Guduvanchery branch for a long period. Hence, the Petitioner Union prays for an award in favour of the concerned employees.

6. Points for determination are:

(i) Whether the action of the Respondent Management in transferring the concerned employees viz. Sri K. Balu and Smt. M. Santhanakshmi from Guduvancheri branch to Tirupachur and Nallambakkam respectively is legal and justified?

(ii) To what relief the concerned employees are entitled?

Point No. 1

7. In this case, the Petitioner Association espouses the cause of Sri K. Balu and Smt. M. Santhanakshmi about their transfer to different places. The petitioner association alleged Sri K. Balu and Smt. Santhanakshmi have been transferred from Guduvancheri branch of the Respondent Bank without any reason or rhythm and it is against the bipartite settlement and the transfer order issued against them are malafide and perverse in nature. According to the Petitioner Union, Sri Balu was only Subordinate staff available in Guduvancheri branch and as per the usual practice, Subordinate staff are not subject to transfer against their willingness and further they are not subject to transfer outside the district in which they are originally employed but in the instant case, Sri Balu was transferred from Guduvancheri branch in Kancheepuram district to Tirupachur branch in Tiruvelllore district which is 100 kms. far away from the place. Therefore, the transfer is perverse in nature. With regard to the case of Smt. Santhanakshmi, the concerned employee is a widow and she is aged 51 years and joined as a Clerical cadre staff and Clerical cadre are governed by transfer policy dated 29-06-2001. As per the terms of policy, the staff-members who have completed 5 years of service in the branch or office would come under the periodical transfer. However, there are certain exempted categories. In the case of widows and female employees who are above 50 years of age would be exempted from the periodical transfers and such exempted categories can be transferred among the branches within the same place or centre. But in this case, though Smt. Santhanakshmi came under the exemption clause, she was transferred to Nallambakkam in total violation of the periodical transfer policy. Therefore, the petitioner association has raised this dispute.

8. But as against this, the Respondent contended Subordinate staff does not come under the transfer policy.

Since 1998 in Guduvancheri branch of the Respondent Bank, there have been number of frauds and were fraudulent withdrawals of money from the Savings Bank of the customer's accounts. The modus operandi in all these frauds have been more or less similar viz. the pass books presented by the customers to the staff for entering the cash remittances made or cheque deposited by them found their way out and later on these pass books accompanied the withdrawal instruments for fraudulent transactions of withdrawing the money from the same accounts. The request letters for issuance of cheque books were also missing leading to the suspicion of involvement of insider staff and, thus, spoiling the image of the Respondent Bank in the minds of the banking public. So as a matter of preventive vigilance, a conscious decision has been taken by the bank to transfer all the members of the branch irrespective of the cadre whether they belong to Officer cadre or Award staff cadre where such unwanted things happen. Therefore, Smt. Santhanalakshmi and Sri K. Balu were one among such staffs who were transferred and they may not be an exception. Further, even in the settlement the bank has reserved the right to transfer any employee in terms of service conditions. Furthermore, Santhanalakshmi is not appointed to a non-transferable post. Considering her position of being a widow, the Respondent Bank posted her only to the nearest branch i.e. within 10 kms. Therefore, these transfers were effected on administrative exigencies as a measure of preventive vigilance and, therefore, there is no illegality in it. Further, it is false to allege that Sri Balu has been transferred to far away place. The Transfer Order issued to Sri. Balu posting him to another branch within the linguistic area is not against to any settlement or award. It is well settled, transfer is an incident in service and is not be interfered with unless it is proved to be clearly arbitrary or made on considering other than the exigencies of service. The learned representative of the Respondent has also relied on the rulings of Supreme Court Case reported in AIR 1995 SC 423 N.K. SINGH VS. UNION OF INDIA AND OTHERS AND ALSO AIR 1984 SC 1955 B. VARADHA RAO VS. STATE OF KARNATAKA AND OTHERS. The Respondent representative further relied on the ruling 1989 GLR 571 J.K. Dave Vs. State. In 1995, Supreme Court, an IPS Officer has been transferred to some other place was questioned by the individual in the legal forums, the Supreme Court has held "transfer of Government Servant in a transferable service is a normal incident of service/career...Challenging in court of a transfer when the career prospects remained unaffected and there is no detrimental to government servant must be eschewed and interference by Courts should be rare, only when a judicially manageable and permissible ground is made out." In 1986, Supreme Court it was held "it is well understood that transfer of a Government Servant who is appointed to a particular cadre of transferable posts from one place to another is an ordinary incident of service and, therefore, does not result in any alteration of any of the conditions

of service to the disadvantage. That a Govt. Servant is liable to be transferred to a similar post in the same cadre is a normal feature and incident of Government Service and no Govt. Servant can claim to remain in a particular post unless of course his appointment itself is to be a specified, non-transferable post. The norms enunciated by the Government for the guidance of its Officers in the matter of regulating transfers are more in nature of guidelines to the Officers who order transfers in the exigencies of administration than vesting of any immunity from transfer in the Govt. Servants". In the Gujarat case, the High Court of Gujarat held "simply because some averments are made in the petition and the order of transfer is labelled as discriminatory and/or as actuated by malafides, it does not become discriminatory or cannot be said to have been passed on account of mala fides As a general proposition of law applicable in almost all types of orders of transfer, a transfer of Government Servant may be due to exigencies of service or due to administrative reason. The Courts cannot interfere in such matters". The learned representative of the Respondent argued only due to exigencies of administrative reasons, the said employees viz. Smt. Santhanalakshmi and Sri K. Balu have been transferred to different places from Guduvancheri branch of the Respondent Bank. The Petitioner Association has not shown any malafide on the part of the Respondent Bank. Though, it alleged that the transfer orders are perverse in nature, it is established before this Court, all the persons who have completed 10 years of service in Guduvancheri branch have been transferred for the reason of frequency of frauds of customers' money and in order to protect the interests of banking public and as a matter of preventive vigilance, a conscious decision has been taken by the authorities of the bank to transfer all the staff members who have worked more than 10 years irrespective of the cadre, whether they belong to Officer's cadre or Award staff cadre. Under such circumstances, it cannot be said that the transfer is malafide and motivated. I find much force in the contention of the learned representative of the Respondent, though, it is alleged by the petitioner association that the transfer is malafide and made without any valid reason, they have not denied that there is no fraud committed in the Guduvancheri branch as alleged by the Respondent Bank, further, there is no denial from the petitioner association that all the staff irrespective of the cadre have been transferred from the said place for this reason. Under such circumstances, I am clearly of the opinion that the action of the Respondent Management in transferring Sri K. Balu and Smt. M. Santhanalakshmi from Guduvancheri branch to Tirupachur and Nallambakkam branch is legal and just. As such, I find this point in favour of the Respondent.

Point No. 2

The next point to be decided in this case to what relief the concerned workmen are entitled?

9. In view of my foregoing findings that the action of the Respondent Bank in transferring the concerned employees to different places is legal and just, I find the concerned employees are not entitled to any relief.

10. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 7th July, 2008)

K. JAYARAMAN, Presiding Officer

Witnesses examined:

For the I Party/Petitioner : WWI Sri G. Gopal
For the II Party/Management : None

Documents marked :

On the petitioner's side

Ex.No.	Date	Description
EX.W1	4-7-2001	Bank's Circular
EX.W2	15-10-2005	Transfer Order of Mrs. Santhanalakshmi
Ex.W3	28-10-2005	Petitioner's request letter to ALC (Central) for initiation of conciliation proceedings—reg. Mrs. Santhanalakshmi's transfer
EX.W4	2-12-1995	Mrs. Santhanalakshmi's request for retention
EX.W5	8-II-2005	Bank's reply
EX.W6	8-II-2005	Mrs. Santhanalakshmi's representation
EX.W7	10-II-2005	Initiation of conciliation proceedings
E.W8	19-II-2005	Respondent's Interim Policy
Ex.W9	16-II-2005	Respondent's reply
Ex.W10	9-I-2006	Minutes of conciliation proceedings
Ex.W11	25-9-2006	Reliving of Mrs. Santhanalakshmi's from Guduvancheri branch

On the Management's side

Ex.No.	Date	Description
Ex M1	4-7-2001	Transfer of Clerical staff at Periodical Intervals
Ex.M2	18-I0-1989	Appointment letter to Smt. M. Santhanalakshmi
EX.M3	15-10-2005	Transfer order of Smt. M. Santhanalakshmi to Nallambakkam

Ex.M4	15-12-2006	Joining report of M. Santhanalakshmi at Nallambakkam
Ex. M5	26-3-1953	Chapter XXVIII Page 149 of Shastri Award
Ex.M6	15-10-2005	Transfer order of K. Balu to Tirupachur Branch
Ex.M7.	21-12-2006	Joining report of K. Balu to Tirupachur

नई दिल्ली, 1 अगस्त, 2008

का.आ 2450.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कामकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना (बिहार) के पंचाट (संदर्भ संख्या 59(सी)/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-8-2008 को प्राप्त हुआ था।

[सं. एल-12011/96/2007-आई आर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 1st August, 2008

S.O. 2450.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59(C)/2007) of the Industrial Tribunal, PATNA (BIHAR) as shown in the Annexure in Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 1-8-2008.

[No. L-12011/96/2007-IR (B-II)]

RAJINDER KUMAR, Desk Officer
ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA

Reference No. 59(C) of 2007

Between the Management of Central Bank of India, Zonal Office, Muzaffarpur and their workman Smt. Madhuri Devi represented by the General Secretary, Bihar State Central Bank Employees' Union, Central Office, 2nd Floor, B-Block, Mauryalok Complex, Patna, Bihar.

For the Management : Shri Avtar Singh, Chief Officer (Law), Zonal Office, Central Bank of India, Muzaffarpur

For the Workman : Shri Shree Nath Singh, General Secretary, Bihar State Central Bank Employees' Union, Patna.

Present : Vasudeo Ram, Presiding Officer, Industrial Tribunal, Patna

AWARD

Patna, dated the 26th July, 2008

By adjudication Order No. L-12011/96/2007-IR(B-II) dated 27-11-2007 of the Government of India, Ministry of Labour, New Delhi under clause (d) of sub-section (1) and sub-section (2A) Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of Central Bank of India, Zonal Office, Muzaffarpur and their workman Smt. Madhuri Devi represented by the General Secretary, Bihar State Central Bank Employees' Union, Patna for adjudication to this Tribunal:

"Whether the action of the management of Central Bank of India, Zonal Office, Muzaffarpur in recruiting Smt. Madhuri Devi to the post of Clerk on compassionate ground and afterwards reverting her to the lower post of sub-staff cadre on the ground that Madhyama pass from Sanskrit Siksha Board, Patna is not equivalent to the post of Matric pass Exam. is justified and legal? If not, what relief Smt. Madhuri Devi is entitled to?"

2. The parties appeared on notice issued from this Tribunal and filed their respective Statement of claim and the Written Statement. A rejoinder to the written statement filed on behalf of the management has also been filed on behalf of the workman. The contention of the workman is that Ajay Kr. Mehata, the husband of Smt. Madhuri Devi was an employee of Central Bank of India. On his death Smt. Madhuri Devi applied for the post of Clerk on compassionate ground. Her educational qualification was Madhyama pass from Sanskrit Siksha Board, Patna. Her educational qualification was verified by the competent authority of the Bank and thereafter she was interviewed by the Board constituted for the purpose. On being satisfied from her performance in interview and on verification of her qualification Smt. Madhuri Devi was appointed in Clerk cadre vide Darbhanga Regional Officer letter No. RO/PRS/R&P/01.02/1136 dated 1-10-2001. Subsequently, She was confirmed in that cadre. But all of a sudden Regional Office Darbhanga vide letter No. RO/PRS/02-03/707 dated 22-9-2002 informed branch office Madhubani that Smt. Madhuri Devi be reverted in the subordinate cadre with immediate effect. It was mentioned that clarification was received from IBA (Indian Banks Association) that Madhyama Exam conducted by Sanskrit Siksha Board, Patna was not to be treated at par with Matriculation Exam. The workman contends that it was totally misconceived direction for the simple reason that the Government of Bihar, Department of Education recognised Madhyama Exam conducted by Sanskrit Siksha Board, Patna equivalent to Matriculation exam. Further the contention of workman is that several candidates having Madhyama qualification appeared in the Banking Service Recruitment Board Exam. then enforced and on having been found successful were appointed in the same Bank as Clerk and many of them are still working as Clerk in the same

Bank. Under the circumstances the workman contends, the action of the management of Central Bank in reverting her (Smt. Madhuri Devi) from Clerk to subordinate cadre is arbitrary, unjustified and illegal and a clear case of victimisation.

3. The management admitted in their written statement that Smt. Madhuri Devi was appointed on 1-10-2001 in the Bank as Clerk on compassionate ground following the death of her husband Ajay Kumar Mehata who was a Clerk in Madhubani branch. At the time of appointment Smt. Madhuri Devi had produced the certificate of Madhyama claiming the same equivalent to matriculation. It has also been admitted by the management that the competent authorities also took the said certificate equivalent to matriculation and the appointment was made. the contention of the management is that soon after her appointment it was clarified by Indian Banks Association that Madhyama certificate from Bihar Sanskrit Siksha Board, Patna, was not equivalent to Matriculation for the employment under the Government of India. Hence the management in August, 2002 itself decided to revert Smt. Madhuri Devi to the post appropriate to her qualification but she raised industrial dispute and her reversion to subordinate post could not take place because of the proceeding pending before the ALC(C), Patna and the status-quo order passed in that proceeding by ALC(Central). The proceeding of conciliation failed in May, 2007 which resulted into this reference. Further the contention of the management is that neither any fact is in dispute nor any legal question involved in the matter requiring legal interpretation. It was very much clear to Ministry of Labour at the time of making reference that Madhyama is not recognized for jobs under the Government of India and hence there was no scope of making reference particularly when the reversion was not by way of punishment. The terms of reference also do not refer the question of validity of Rules. Under the circumstances, according to the management the reference is not legally maintainable. According to the management the workman is not entitled to any relief.

4. Upon the pleadings of the parties and the terms of reference the following points arise out for decision:

- (i) Whether this reference case is maintainable?
- (ii) Whether action of the management of Central Bank of India in recruiting Smt. Madhuri Devi on the post of Clerk on compassionate ground and afterwards reverting her to lower post of sub-staff on the ground that Madhyama from Sanskrit Siksha Board, Patna is not equivalent to Matriculation, is justified and legal?
- (iii) To what relief or reliefs, if any Smt. Madhuri Devi is entitled ?

FINDINGS.**Point No. (i):**

5. It is a fact that the facts of this case are not in dispute rather the same are admitted that on the death of

Ajay Kumar Mehta, a Clerk under the management Bank his widow Smt. Madhuri Devi applied for appointment on the post of Clerk on compassionate ground on the basis of her Madhyama qualification and the management in due process appointed her on the post of Clerk. This is also not disputed that the management subsequently got some clarification from Indian Banks Association(IBA) that for posts under the Government of India Madhyama qualification was not considered at par with Matriculation and then the management issued reversion letter of Smt. Madhuri Devi. It is also an admitted fact that the order of reversion has not been passed/issued by way of punishment. Though the facts are admitted if one goes through the terms of reference carefully it will be clear to him/her that the question involved in this case is whether reversion of a Clerk who has been duly appointed on that post by the management after scrutiny and in due process after considering her qualification is justified and legal? I am very much conscious of the fact that the terms of reference do not refer the question of validity of Rules of IBA. Here in this case it is not the question as to whether the Rules of IBA are valid and justified or not; here the question is that if one is appointed by the management in due process and after being satisfied whether he/she can be reverted to sub-staff cadre? Keeping in view the question referred for decision, discussed above I find that this Tribunal has the jurisdiction of deciding the question involved in this reference and accordingly I find that the reference case is maintainable. Point No. (i) is answered accordingly.

Point No. (ii) :

6. Both the parties have adduced oral as well as documentary evidence in support of their respective contentions. The management has examined one Om Prakash Mishra, posted as Manager in Zonal Office of Central Bank of India, Muzaffarpur (M.W.1) who has got exhibited photo copy of letter dated 30th May, 1990 issued by the Government of India, Ministry of Finance, Department of Economic Affairs, Banking Division (Ext. M) which speaks that for appointment in clerical cadre on compassionate ground Matriculation certificate would be required. He has further got exhibited photo copy of letter dated 30-8-2002 of Indian Banks Association (Ext.M/1) to show that Madhyama Certificate of Sanskrit Siksha Board, Patna is not to be treated at par with Matriculation Certificate. Photo copy of letter dated 17-7-2007 of Ministry of Human Resources Department, Department of Higher Education (Ext. M/2) to show that Madhyama Examination conducted by Bihar Sanskrit Siksha Board, Patna has not been recognised for the jobs under the Government of India.

7. The workman has examined Ramchandra Mehata (W.W.1) and Smt. Madhuri Devi, the workman herself (W.W.2). Ram Chandra Mehata who retired as C.T.O. from Central Bank of India after serving the Bank for more than

36 years has stated that he was appointed on the basis of Madhyama Certificate. He has named a few employees of the management Bank who have been appointed on the basis of Madhyama Certificate and are still serving the Bank. The workman has filed the Zerox copy of Resolution dated 11-1-1999 of Bihar Government (Ext. W) to show that the Government of Bihar recognises Madhyama as equivalent to Matriculation, photocopy of letter dated 12-9-2002 of Central Bank of India, Regional Office to Smt. Madhuri Devi informing her reversion to Sub-Staff Cadre (Ext. W/1), photo copy of letter of Regional Manager, Central Bank of India dated 12-9-2002 to Branch Manager, Madhubani to treat Smt. Madhuri Devi as Sub-Staff with immediate effect. (Ext.W/5) photocopy of Scheme of Central Bank of India for appointment of defendants of deceased employees on compassionate ground (Ext. W/2), photocopy of memorandum dated 1-10-2001 of Regional Office, Darbhanga of Central Bank of India regarding appointment of Smt. Madhuri Devi on compassionate ground (Ext. W/3), photocopy of interview letter dated 30-8-2001 issued by Regional Office, Muzaffarpur to Branch Office, Madhubani for interview of Smt. Madhuri Devi, (Ext. W/4), photocopy of decision of Hon'ble Patna High Court reported in 2008 (1) PLJR-853(Ext.W/6), photocopy of procedure for promotion of sub-staff to clerical cadre (Ext.W/7) and photo copy of record produced by the management as called for by the workman (Ext.W/8).

8. Before entering into discussion of the evidence adduced on behalf of the parties I would like to remind myself that it has already been mentioned above that the facts of this case are not disputed. It is an admitted fact that Smt. Madhuri Devi, the widow of Late Ajay Kumar Mehata applied for appointment on the basis of her Madhyama qualification and the management after verifying her certificate and after interview, on being satisfied, in due process appointed Smt. Madhuri Devi on compassionate ground on the post of Clerk on 1-10-2001. It is also admitted fact that subsequently the management got clarification from Indian Banks Association that the Ministry of Human Resources Development Department does not recognise Madhyama Certificate from Bihar Sanskrit Siksha Board, Patna, equivalent to Matriculation for the jobs under the Government of India. Thereon the reversion order was passed. It is well settled principle of law that the facts admitted need not be proved. Under the circumstances Exts. W/1 to W/7 filed on behalf of the workman on those points need no discussion. Here itself I would like to mention that it has been argued on behalf of the management that the workman(W.W.2) has not stated her case before this Tribunal in evidence. In this connection I have to say that since the facts of the case of the workman is admitted it is needless to state/repeat the same in her evidence. Exts. W and W/6 filed on behalf of the workman go to show that for jobs under the Government of Bihar Madhyama is treated at par with Matriculation whereas

Exts. M, M/1 & M/2 filed on behalf of the management go to show that Madhyama from Sanskrit Siksha Board, Patna is not recognized/considered equivalent to Matriculation for the jobs under the Government of India.

9. It is an admitted fact that Smt. Madhuri Devi made application for being appointed on the post of Clerk on compassionate ground on the basis of Madhyama Certificate. The management verified her Certificate, and after interview by a Board constituted for that purpose She was appointed on the post of Clerk in due process meaning thereby the management on being satisfied from all corners appointed her. There is no allegation that she concealed any fact or misrepresented or played fraud for being appointed on the post of Clerk. It has been admitted by the management that She has not been demoted to subordinate cadre by way of punishment. It may be mentioned here that by appointment on the post of Clerk in due process She has acquired a legal right to the post which can not be taken away except by the procedure established by law. The management is silent on the point as to on what grounds a Clerk can be demoted to the subordinate cadre post. (I say it demotion because had been promoted to the post of Clerk from subordinate cadre and then reverted to the subordinate cadre it would have been reversion). There can be no two opinion on the point that demotion or reversion is a punishment; and for imposing the punishment of demotion or reversion there must be some established norms and rules in the Bank; for instance there should be some departmental proceeding or enquiry and after giving an opportunity to the workman of being heard and only after holding him/her guilty the order of reversion or demotion can be passed. The management can be said to have no right to take away a right of a workman without any rhyme and reason. The management on one hand is taking away the right of the workman and on the other says that it is not by way of punishment. Both the things are contradictory and the said action of reversion can not be said legal or justified. It is altogether arbitrary action of the management.

10. It has been contended on behalf of the workman that several persons appointed on the basis of Madhyama Qualification are still working in the Bank. The management witness (M.W.I) has shown ignorance on that point. As against that (W.W.I) has stated that he was appointed on the basis of Madhyama Qualification and retired after serving the Bank. He has named few others who were appointed on the basis of Madhyama Qualification and are still working in the Bank. To top it all the document (Ext.W/8) filed by the management having been called for by the workman supports that there are Clerks who were appointed on the basis of Madhyama Certificate from Sanskrit Siksha Board, Bihar, Patna and are still working under the said Management. In this regard the management has cited a decision 2006 Lab-L.C. 4025 Supreme Court in the case of Union Bank of India & Others Versus. M.T. Latheesh and

by referring to para 27 of the said decision it has been contended that "Article 14 can not be extended to legalise illegal orders though others had wrongly got the benefits of that order on some stray incidents earlier." That was also a case of appointment on compassionate ground. But in that case the petitioner wanted appointment contrary to scheme whereas in the present case the workman has already been appointed earlier and now she is being reverted by saying that Madhyama Certificate from Sanskrit Siksha Board, Bihar, Patna is not recognized and considered at par with Matriculation Qualification which is required for appointment on the post of Clerk. Under the Circumstances I find that the facts of the case cited are different from the present case and as such decision cited on behalf of the management do not apply in this case and the management can not get any support from the same. I may add here that Ext.W/8 shows that as many as seven Clerks appointed on the basis of Madhyama Certificate from Sanskrit Siksha Board Patna are working as Clerks which can not be said stray incident. Under the circumstances discussed above I find that it is a clear case of discrimination. Keeping in view the discussions made above I find that the action of the management of Central Bank of India, Zonal Office, Muzaffarpur in recruiting Smt. Madhuri Devi to the post of Clerk on compassionate ground and afterwards reverting her to lower post of sub-staff on the ground that Madhyama from Sanskrit Siksha Board, Patna is not equivalent to Matriculation is neither legal nor justified. Point No.(ii) is accordingly decided.

Point No. (iii) :

11. Keeping in view the discussions made above and the conclusions arrived at on different points I come to the conclusion that the order of reversion passed by the management against Smt. Madhuri Devi is fit to be recalled and the said workman is entitled to get loss occurred due to said illegal order of the management compensated. This point No. (iii) is decided accordingly.

12. In the result I, therefore, hold that the action of the management of Central Bank of India, Zonal Office, Muzaffarpur in recruiting Smt. Madhuri Devi to the post of Clerk on compassionate ground and afterwards reverting her to lower post of Sub-Staff on the ground that Madhyama from Sanskrit Siksha Board, Patna is not equivalent to Matriculation is neither legal nor justified. The reversion order passed by the said Management against Smt. Madhuri Devi is fit only to be recalled and the said workman is also entitled to get the loss occurred due to the said illegal and unjustified order of the management compensated. The management of Central Bank of India, Zonal Office, Muzaffarpur is directed to comply the same within two months from the date of publication of the Award.

13. And this is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2451.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सोलर एनर्जी सेंटर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 25/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2008 को प्राप्त हुआ था।

[सं. एल-42012/212/2001-आई.आर.(सी एम-II)]
अजय कुमार गौड़, डेर्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2451 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2002) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial dispute between the management of M/s. Solar Energy Center, and their workmen, received by the Central Government on 4-8-2008.

[No. L-42012/212/2001-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer: R. N. RAI

I.D.25/2002

In the Matter of:

Sh. Bal Kishan,
S/o. Sh. Deen Dayal,
R/o. Vill. Bhagwan Pur,
P.O: Ramgarh,
Tehsil & Distt: Rewari.

—Claimant

Versus

The Principal Officer,
M/s. Solar Energy Centre,
Vill & Post: Gawai Pahari,
Tehsil & Distt: Gurgaon.

—Respondent

AWARD

The Ministry of Labour by its letter No. 42012/212/2001-(IR(CM-II)) Central Government Dt. 12-4-2002 has referred the following point for adjudication.

The points run as hereunder :-

“Whether the action of the management of Solar Energy Centre, Gawai Pahari, Gurgaon in terminating Sh. Bal Kishan, Helper from services w.e.f. 17-5-1998 is

legal and justified? If not, to what relief he is entitled to”

The case of the workman is that he was appointed as Helper w.e.f. 25-7-1996, and he worked regularly as Helper with the management from 25-7-1996 to 17-5-1998. The management terminated his services illegally w.e.f. 17-5-1998 without any rhyme and reason in an arbitrary manner without complying with the mandatory provision of the ID Act, 1947 and without following the principles of natural justice.

That the workman was getting Rs.1550 per month at the time of termination of his services. No notice pay or retrenchment compensation has been paid to the management.

The case of the management is that the claimant vide his application dated 22-07-1996 was allowed to run office canteen of the management on contract basis. He has quoted the rates for various items to be charged from the employees of the respondent. He also deposited the security amount as per the direction of the competent authority of Rs. 500 in the Government account.

He was provided with necessary infrastructure such as space, furniture, cooking gas, water, electricity and other amenities generally required to run the canteen free of cost. He was paid wages of the earned skilled workman besides the price of the material.

That he demanded all the facilities except the raw fund material required for the preparation of hot drinks and other eatables.

That the claimant started to supply inferior quality of coffee, tea and other eatables to the employees. The employees gave written complaint regarding his misbehaviour so he was seized to run the canteen w.e.f. 17-5-1998. The security deposit was refunded on request so it has been illegally alleged that he was appointed as Helper and his services have been terminated in violation of provisions of ID Act, 1947 without payment of retrenchment compensation and one month's pay in lieu of notice.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard both the parties,

It was submitted from the side of the workman that he was appointed as Helper w.e.f. 25.07.1996 and his services were illegally and arbitrarily terminated w.e.f. 17-05-1998 in violation of the provisions of the ID Act, 1947.

It was submitted from the side of the management that the workman was canteen worker. He deposited

security of Rs. 500 to run the canteen. The charges of all the food items were settled. He started supplying inferior quality of food items and he mis-behaved with the employees of the management. The contract agreement was ceased and at the request of the workman the security deposit of Rs. 500 was released.

The management has filed MW4/3, the letter written to the management by the workman regarding charges of food items. This letter has been denied by the workman. The management has filed Annexure - 2, the document regarding security deposit of Rs.500 by Bal Kishan, the workman. The workman has not denied this document. This document proves that the workman deposited the security deposit of Rs.500 after conclusion of the agreement as per the conditions of the agreement.

Annexure - 3 is complaint of the 30 employees of the management regarding mis-behaviour and it has been requested that the management of the canteen should be changed. This letter has not been denied. The original of these letters have also been filed.

Annexure - 4 is letter of Sh. Sheo Singh, Assistant Foreman along with some witness regarding the fact that the workman threatened to break his legs. Annexure - 5 is the letter of the workman for release of Rs. 500 security deposited by him. The workman has denied this letter.

The workman has not filed pay sheet of his wages. The management has examined Sh. Sheo Singh who has made complaint against the canteen contractor regarding his threat to break his legs. This witness has deposed regarding his threatening even by the canteen contractor.

The management has examined Sh. Raghunath Singh and Sh. B.S. Bist. All these witnesses have deposed that the workman was a canteen contractor and deposited the security of Rs. 500 when he started supplying food items of inferior quality. The agreement was ceased.

The witnesses have no doubt deposed that the workman was given monthly wages. They have further deposed that the contractor is not given monthly wages.

The canteen is not a statutory canteen. The workman has been undertaken to run the canteen. The management has no obligation to provide canteen facilities so the engagement of the workman in canteen without statutory provision does not make him an employee of the management.

It is proved that the workman entered into agreement for running the canteen. The management made payment of monthly wages but the canteen is not statutory, so the workman shall not be deemed to be the employee of the management.

The management has filed the original note sheets maintained in respect of the agreement of contract to the

workman for supplying food items. These original documents have been maintained in routine course and office notice in written course are admissible in evidence.

From perusal of these original documents it becomes quite obvious that the workman was awarded the contract of canteen and he deposited Rs. 500 as security money and the security money was released when the contract agreement was ceased.

Thus, from perusal of the record it becomes quite obvious that the workman Sh. Bal Kishan was a canteen contractor.

He entered into an agreement to supply food items. He charged amounts for food items. He started supplying inferior quality of food items and mis-behaved with the employees. On the complaint of the employees the contract agreement was terminated and security amount was released to the workman.

The reference is replied thus:

The action of the management of Solar Energy Centre, Gawal Pahari, Gurgaon in terminating Sh. Bal Kishan, Helper from services w.e.f. 17-05-1998 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated 23-7-2008

R. N. RAI, Presiding Officer

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2452 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधितान्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण नं.1, चंडीगढ़ के पंचाट (संदर्भ सं. 245/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2008 प्राप्त हुआ था।

[सं. एल-22012/256/2000-आई.आर.(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2452 —In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 245/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 4-8-2008.

[No. L-22012/256/2000-IR(C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I, CHANDIGARH**

Case No. I. D. 245/2001

Sh. Karamjit Singh S/o Sh. Kartar Singh, Mohalla Chahlan, Dharamkot.

Applicant

Versus

- (1) The Senior Regional Manager, Food Corporation of India, Sector-34, Chandigarh.
- (2) The Asstt. Manager(D), Food Corporation of India, Dharamkot.

Respondents

APPEARANCES

For the workman : None

For the management : N. K. Zakhmi

AWARD

Passed on 24-7-2008

The Central Government vide notification No. L-22012/256/2000-IR(C-II), dated 14-6-2001, has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of FCI in terminating the services of Sh. Karamjit Singh S/o Sh. Kartar Singh is legal and justified? If not, to what relief the workman is entitled to ?”

2. No one is present, on behalf of workman. Learned representative of the management Shri N.K. Zakhmi is present. Since morning this reference has been called number of times. At 10.45 am, it was ordered to be placed before this Tribunal once again at 2pm. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2001. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned.

Chandigarh

24-7-2008 G. K. SHARMA, Presiding Officer

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2453 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों

के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 145/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2008 प्राप्त हुआ था।

[सं. एल-23012/47/1998-आई.आर.(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2453 — In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. 145/1999) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BBMB and their workmen which was received by the Central Government on 4-8-2008.

[No. L-23012/47/1998-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I, CHANDIGARH**

Case No. I. D. 145/99

Sh. Khem Raj S/o Sh. Shankar Ram, C/o. Sh. R. K. Singh Parmar, Secy. Punjab INTUC, 211-L-Broni, P.O. Pratap Nagar Dam, Distt. Ropar (Pb.)

Applicant

Versus

The Chief Engineer, System Operation, Bhakra Beas Management Board, (Power Wing), Sallapper(H.P)-174403

Respondents

APPEARANCES

For the workman : None

For the management : Sh. Sukhwinder Singh

AWARD

Passed on 17-7-2008

The Central Government vide notification [No.-L-23012/47/98-IR(CM-II)], dated 16-6-1999, has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Chief Engineer, System Operation, Bhakra Beas Management Board, Chandigarh and Resident Engineer, Debar Power House Division, Bhakra Beas Management Board (Power Wing) Slappar Township (HP) in terminating the services of Sh. Khem Raj S/o Sh. Shankar Ram w.e.f 31-3-1993 and 31-5-95 and not

reengaging him while retrenches of Beas Construction Board were given employment is just and legal? If not, to what relief is the workman entitled?"

2. No one is present, on behalf of workman. Representative of the management Shri Sukhwinder Singh is present. Since morning this reference has been called number of times. At 10.45 am, it was ordered to be placed before this Tribunal once again at 2pm. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 1999. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned.

Chandigarh

17-7-2008

G. K. SHARMA, Presiding Officer

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2454.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी. बी. एप. बी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 251/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2008 को प्राप्त हुआ था।

[सं. एल-23012/1/1999-आई.आर.(सी-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2454.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. 251/1999) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BBMB and their workmen, which was received by the Central Government on 4-8-2008.

[No. L-23012/1/1999-IR(C-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I. D. 251/99

The Secretary Legal, Nangal Bhakra Mazdoor Sangh (INTUC), Nangal Township, Distt. Ropar (Punjab) Ropar.

Applicant

Versus

The Chief Engineer, Bhakra Beas Management Board, system Operation, Sector-19-B, Madhaya Marg, Chandigarh.

Respondents

APPEARANCES

For the workman : None

For the management : Sh. Sukhwinder Singh

AWARD

Passed on 17-7-2008

The Central Government vide notification No. L-23012/1/1999-IR(CM-II), dated 22-11-99, has referred the following dispute to this Tribunal for adjudication :

"Whether the demands of the Nangal Bhakra Mazdoor Sangh are legal and justified? If so to what relief the workman are entitled?"

2. No one is present, on behalf of workman. Representative of the management Shri Sukhwinder Singh is present. Since morning this reference has been called number of times. At 10.45 am, it was ordered to be placed before this Tribunal once again at 2pm. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 1999. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned.

Chandigarh

17-7-2008 G. K. SHARMA, Presiding Officer

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2455.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. किलबर्न केमिकल्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. आईडी सं. 81/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2008 को प्राप्त हुआ था।

[सं. एल-29012/3/2006-आई.आर.(एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2455.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. I.D.No. 81/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the

Industrial dispute between the employers in relation to the management of M/s. Kilburn Chemical Ltd. and their workman, which was received by the Central Government on 4-8-2008.

[No. L-29012/3/2006-IR(M)]
KAMAL BAKHNU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 8th July, 2008

PRESENT : K. Jayaraman, Presiding Officer

Industrial Dispute No. 81/2006

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 14 of 1947, between the Management of Kilburn Chemicals Ltd. and their workman.

BETWEEN

Sri G. Subramanian : 1st Party/Petitioner

And

The General Manager
M/s. Kilburn Chemicals Ltd.
Tuticorin-2 : 2nd Party/Respondent

APPEARANCE

For the Petitioner : M/s Sivam Sivanandraj, P.V.
Balasubramanian

For the management : M/s R. Parthiban,
B. Mohanakrishnan

AWARD

The Central Government, Ministry of Labour vide its Order No. L-29012/3/2006-IR(M), dated 4-9-2006 referred the following Industrial dispute to this Tribunal for adjudication :

The schedule mentioned in that order is :

"Whether the punishment of dismissal from service imposed on Sri G. Subramanian by the Management of M/s. Kilburn Chemical Ltd., Tuticorin is legal and justified? If not, to what relief the workman is entitled to?"

2. After the receipt of the Industrial Dispute, this Tribunal has numbered it as ID 81/2006 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegation in the Claim Statement are briefly as

follows:

The petitioner was a permanent employee of the Respondent Company and he joined in the year 1994. He served as Process Operator. While so, the petitioner was compelled to go on leave from 06-06-2004 to 09-06-2004 on medical reasons. Since he was unable to inform the same to the Respondent Management, he sent a word through one of his relatives to inform the Respondent. On 10-06-2004 when he returned for duty, he was prevented from even entering into the factory and was stopped at the time office itself. He was issued a show cause notice-cum-suspension order dated 11-06-2004. Even though, he has submitted an explanation, it was not accepted and the Respondent has ordered for an enquiry and he was enquired in the office on 22-06-2004 and 23-06-2004. During the enquiry, the petitioner was threatened by the Officers-in-Charge of the administration viz. Personnel Manager and General Manager (Marketing) that he will be dismissed from service unless he gave it in writing that he admitted all the charges and he would abide by any decision taken by the Management. Even though, the petitioner protested for the same, the Management personnel insisted that unless he handed over such a letter, he would not leave the premises and he had to remain the premises till 05.30 PM. Left with no other option, he has given a letter. Subsequently, the petitioner sent a representation to the President of the Respondent Company highlighting the treatment meted out to him by the senior Management staff. Such a recourse is provided under Section-24(C) of the Standing Orders of the Respondent Company. But to the shock and surprise, the petitioner's complaint under Section-24(C) of the Standing Orders was not enquired into at all. But on 23-06-2004, the petitioner was served with a show cause notice-cum-suspension order by the Respondent Management suspending him from 13-6-2004 to 23-06-2004 for his absence from duty. More shockingly, he received a show cause notice-cum-suspension order dated 24-06-2004 wherein he was placed under suspension for writing the complaint dated 23-06-2004 to the President of the Respondent Company and it is alleged that he acted against the provisions of the Standing Orders Clause-21 (6) by making false and malicious statement against the Respondent Management. Even though, the petitioner submitted an explanation, without accepting his explanation, a domestic enquiry was ordered to be conducted against him. If really, the Management is bona fide it ought to have conducted an enquiry into the 'complaint made by the petitioner under Section 24(C) of the Standing Order and only if it was proved that the charges are false and malicious, action could be initiated against him. But on the other hand, without even causing a prima facie enquiry into the complaint, the Respondent Management issued a show cause-cum-suspension notice against the petitioner. The letter dated 23-6-2004 can in no way be construed as malicious. The Respondent conducted

a farce enquiry and dismissed the petitioner from service. The order passed by the Respondent Authority is illegal and against the principles of natural justice. The petitioner was dismissed from service for trivial reasons vindictively and his termination is unwarranted, unacceptable, illegal and against the principles of natural justice. The punishment is not commensurate with the offence alleged against the petitioner. The Respondent action of invoking capital punishment of dismissal to the above issue clearly shows that the Respondent Management has pre-determined the issue and obtained the findings of the Enquiry Officer as a ruse to punish the petitioner. Hence, the petitioner prays for reinstatement in service with all back wages and benefits.

4. As against this, the Respondent in his Counter Statement contended that the petitioner joined the services of the Respondent company on 04-07-1994 and he was regularized w.e.f. 01-07-1996. the claim that the petitioner has put unblemished service ever since his appointment is not true. It is false to allege that he was compelled to go on leave 06-06-2004 to 09-06-2004 on medical reasons. It is further false to say that he was unable to inform the leave to the Respondent Management and he sent a word through one of his relatives to the Respondent and no person related to the petitioner ever informed leave for the period from 06-06-2004 to 09-06-2004. Therefore, a show cause notice as per Clause-21 (1) of the Standing Orders was issued to him and he gave his explanation and also pleaded guilty and sought apology alongwith medical leave application from 04-06-2004 to 11-06-2004. Hence the Respondent passed final order on 23-06-2004 treating the suspension period as punishment. The allegation that he was prevented to enter into the factory are false. It is also not true to say that he was enquired on 23-06-2004 and he was threatened by the Officers of the Respondent Management. No such occurrence took place on 23-06-2004. It is also not correct to say that he was to remain in the premises till 05.30 PM. The petitioner sent a fax letter to the President of the Respondent Company on 23-06-2004 and also addressing a copy to the Human Rights Commission, Chennai. The allegation in the fax letter are absolutely false and, therefore, the Respondent Management decided to take disciplinary proceedings against the petitioner and issued a charge memo to him on 24-06-2004 under Clause-21 (10) of the Certified Standing Orders of the Respondent. Though, the petitioner has given an explanation, it was not satisfactory to the Management and disciplinary proceedings was ordered to be taken against him. In the disciplinary proceedings, full opportunity was given to the petitioner and after due enquiry, the Enquiry Officer submitted his report and after following the procedures, the Disciplinary Authority has proposed to dismiss him from service and after following the formalities, a final order was passed on 10-01-2005. Only on 22-06-2004, the petitioner was enquired and he

never came to the Respondent factory on 23-06-2004. The allegation that the Management staff threatened the petitioner is false. The punishment of dismissal is in proportionate to the approved charges and the charges are serious in nature and, therefore it cannot be stated that the punishment is disproportionate to the charges framed against him. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. Points for determination are:

- (i) Whether the punishment of dismissal from service imposed on the petitioner by the Respondent Management is legal and justified?
- (ii) To what relief the petitioner is entitled?

Point No.1

6. The petitioner in this case is questioned the punishment of dismissal passed by the Respondent against him. The petitioner examined himself as WW1 and marked 8 documents viz. Ex.W1 to Ex.W8 and are marked by consent. On the side of the Respondent, 13 documents viz. Ex. M1 to Ex. M13 were marked. Both sides have not examined any oral evidence. The Respondent authorities have issued a memo dated 24-06-2004 wherein it is alleged that the petitioner has been charged for a misconduct as per the Clause 21 (16) of the Certified Standing Order and called for explanation from him. Clause 21(16) says "deliberately making false, vicious or malicious statements, publicly or otherwise against the Company or its Management staff or workman or abetting of such statements by others". In this case, it is alleged on behalf of the Respondent that the petitioner has sent a fax message on 23-06-2004 that on 22-06-2004, the Dy. Personnel Manager, Joint Manager (Marketing) both have threatened him that he will be dismissed from the service unless he gave a letter in writing that he admitted to all charges and that he would abide by any decision taken by the Management. Further, he has stated in that letter from morning 09.45 AM to evening 05.30 PM, he was detained in the factory premises and unless he handed over such letter, he should not be allowed to leave the premises and, thus, they have taken action against the provisions of the Standing Orders. He has also mentioned that copy of this letter was sent to the Directors and Human Rights Commission (HRC). Only on this letter the Respondent Management has come to a conclusion that the allegations made in the letter are deliberately false, malicious and, therefore, they have taken action against the petitioner under Standing Orders Clause-21 (16). On the other hand, the petitioner contended that he has sent this letter to the Management under Clause-24(C) of the Standing Orders which says "all complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the Company or its agent or servant shall be submitted by a workman or on his behalf by a

Union of which he is a member to the Management or such other Officer or Officers as the Management may appoint or such other Officer authorized by the Management in this behalf shall personally..... In other case the decision of the Enquiry Officer and the action if any taken by the Management shall be intimated to the complainant. The petitioner contended anyhow he has sent this letter by fax to the Management viz. the President of the Respondent company only on the ground he has to express his grievances to the Management and to get redress from that letter but without *prima facie* enquiry and without enquiring whether the allegation made in the letters are false or malicious, the Respondent Management has taken action against him as if he has made a false and malicious allegations against the Officers of the Respondent Management. Therefore, the action taken by the Respondent Management is illegal and the findings of the Enquiry Officer is perverse and no principles of natural justice was followed in the enquiry. The learned counsel for the Petitioner contended without *prima facie* enquiry whether the allegation in the letter Ex.M4 are true or not, whether the allegation made in the letter are malicious or not, the Respondent Authorities has taken law into their hands and come to a conclusion that the allegations made in the letter Ex. M4 are false and malicious and with predetermined conclusion, they have taken action against the petitioner which is illegal and perverse.

7. As against this, the learned counsel for the Respondent contended no doubt the petitioner alleged that he has given representation under the Clause-24(C) of the Standing Orders but the - petitioner has sent a copy of the letter to the Human Rights Commission for which there is no provision in the Standing Orders nor in any other rules or regulations. By sending a copy of this letter to Human Rights Commission, the petitioner has deliberately made publicity with regard to false allegation against its Management staff and Officers and, therefore, the action taken against the petitioner is legal and justifiable. Further, the learned counsel for the Respondent contended only for the unauthorized absence of the petitioner from 06-06-2004 to 09-06-2004, the action was taken against the petitioner initially and after that an enquiry was conducted on 22-06-2004, in which the petitioner has admitted his unauthorized absence and sought apology alongwith medical leave application, hence, the Respondent Management passed a final order on 23-06-2004. The treatment of suspension period from 13-06-2004 to 23-06-2004 by way of punishment, with that the matter was ended and there is no other transaction or threatention made by any of the Management staff. On the other hand, the petitioner falsely made allegation against the Officers to the Management. Not only that, he has also sent a copy of the false allegation to the Human Rights Commission, therefore, the action taken against him cannot be stated as illegal or unjustified. Though, I find some force in the

contention of the learned counsel for the Respondent, in this case, no doubt the petitioner was in unauthorized absence from 06-06-2004 to 09-06-2004, subsequently, it is alleged that he was called for enquiry on 22-06-2004 but no record was produced before this Tribunal that enquiry was conducted with regard to charge of unauthorized absence on 22-06-2004. The petitioner alleged that on 22-06-2004 and 23-06-2004, he was called for the enquiry and he was threatened by the Officer-Incharge of the administration viz. Personnel Manager and Joint Manager (Marketing) and have further alleged that he will be dismissed from service unless he gave it in writing that he admitted to all charges and that he would abide by any decision taken by the Management and further insisted that unless he hand over such a letter, he could not leave the premises of the Respondent Management. Since he hesitated to give such a letter, he had to remain in the premises till 05.30 PM. This cause him severe mental stress and agony and finally left with no other option, he has given a letter as stated by the Respondent Management and only to ventilate his grievances, he has sent a letter of representation to the President of the Respondent Company under Clause-24(C) of the Standing Orders. Even though, the petitioner has not produced any document to show that he was summoned on 23-06-2004 by the Respondent Management and when the Respondent Management has not produced any document to show even for summoning of the petitioner on 22-06-2004, I am inclined to accept the contention of the petitioner that was also summoned on 23-06-2004. From the enquiry records, it is clear if anybody was summoned by the Management, it should be recorded in writing and given to the Time Keeper. In this case, it is surprising to note that no document was produced by the Respondent, even though, they have produced all the enquiry proceedings before this Tribunal that the petitioner was summoned on 22-06-2004. Further, there is no motive suggested by the Respondent Authorities for sending such a letter of representation to the President when there was no threatention by the authorities of the Respondent. Therefore, I am of the opinion, enraged by the letter sent by the petitioner to the President of the Respondent Company, the Respondent Authorities without holding a *prima facie* enquiry as to whether the allegations made by the petitioner is true or not has taken action against the petitioner under the Standing Orders Clause-21 (16). I am of the opinion the action of the Respondent Management is perverse and without any legal sanctity. Therefore, the enquiry itself is vitiated and I am of the opinion that the claim of the petitioner deserves to be allowed. As such, I find this point that the punishment of dismissal imposed by the Respondent Management against the petitioner is not legal and justified.

Point No. 2

The next point to be decided in this case is to what

relief the petitioner workman is entitled to?

8. In view of my foregoing findings that the punishment of dismissal from service imposed by the Respondent Authorities against the petitioner is not legal and justified. It has to be decided that the petitioner is entitled to the relief as prayed for but, in this case even though the petitioner claims to be sincere and true, for the unauthorized absence, he alleged that he has sent a word through one of his relatives to inform the Respondent about his absence from 06-06-2004 to 09-06-2004 but he has not established this fact with any satisfactory evidence before the enquiry. Further, he has also not mentioned the name of his relative who alleged to have informed the Respondent Management, therefore, the petitioner also is not sincere and he has given a false story about his absence from 06-06-2004 to 09-06-2004. Further, the petitioner though alleged that he has made a representation under Clause 24(C) of the Standing Orders, he has not given the said representation to Management in person as per the Standing Orders. Such representation should be made to the concerned authority personally. In this case, he has not stated for what reason he has sent this representation to the authorities by fax, further, though he has mentioned a copy of this representation was sent to the Human Rights Commission, there is no proof whether it was sent to Human Rights Commission or not neither he has stated for what reason he has sent a copy of this representation to Human Rights Commission when there is no specific provision under the Standing Orders. In view of my findings, therefore, I direct the Respondent to reinstate the petitioner forthwith and the petitioner is not entitled to any backwages but he is entitled to continuity of service.

9. Thus, the reference is answered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 8th July, 2008)

K JAYARAMAN, Presiding Officer

Witnesses Examined

For the 1st Party/Petitioner : WW1 Sri. G. Subramanian
For the 2nd Party/Management : None

Documents Marked :

On the petitioner's side

Ex. No.	Date	Description	1	2	3
			1	2	3
Ex.W1	23-06-2004	Letter from the petitioner to the Respondent			
Ex.W2	03-07-2004	Letter from the Respondent to the Presiding Officer			
Ex.W3	06-07-2004	Explanation given by the petitioner to the Respondent			
Ex.W4	20-07-2004	Explanation given by the petitioner to the Enquiry Officer			
Ex.W5	21-08-2004	Letter from Respondent to the Petitioner			

	1	2	3
Ex.W6	28-09-2004	Explanation given by the petitioner to the Enquiry Officer	
Ex.W7	10-11-2004	Explanation given by the Petitioner to the Enquiry Officer	
Ex.W8	-	Letter from the petitioner to the Respondent	

On the Management's side

Ex. No.	Date	Description
Ex. M1	11-06-2004	Order of Suspension
Ex. M2	12-06-2004	Explanation
Ex. M3	23-06-2004	Order of punishment with annexure
Ex. M4	23-06-2004	Letter written by petitioner to respondent as well as Human Rights Commission
Ex. M5	24-06-2004	Charge Memo
Ex. M6	06-07-2004	Explanation
Ex. M7	09-07-2004	Enquiry Notice
Ex. M8	20-07-2004	Proceedings of domestic enquiry
Ex. M9	03-12-2004	Findings submitted by the Enquiry Officer
Ex. M10	22-12-2004	Second Show Cause Notice
Ex. M11	02-01-2005	Explanation
Ex. M12	10-01-2005	Order of dismissal
Ex. M13	04-09-2006	Order of reference issued by the Central Government.

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2456 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भिलाई स्टील प्लान्ट के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. सीजीआईटी/एलसी/आर/112/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2008 प्राप्त हुआ था।

[सं. एल-29012/12/2003-आई आर (एम.)]

कमल बाखरू, डेर्स्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2456 —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (No. CGIT/I.C./R/112/2003) of the Central Government Industrial Tribunal, Labour Court, Jabalpur, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bhilai Steel Plant and their workmen, which was received by the Central Government on 4-8-2008.

[No. L-29012/12/2003-IR(M)]

KAMAL BAKHNU, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

No. CGIT/LC/R/112/2003

Presiding Officer : Shri C.M. Singh

Shri Sohan Lal, Ex-Planning Asstt.,
Dalli Mines, H. No. 59,
Ward No. 14, Nirmala School (W)
Dallirajhara
Durg (Madhya Pradesh) Workman/Union

Versus

The Managing Director,
Bhilai Steel Plant,
Bhilai, Distt. Durg (CG).
Durg (Madhya Pradesh) Management

Bench of Lok Adalat

1. Shri C. M. Singh, Presiding Officer CGIT-Cum-Labour Court, Jabalpur	Chairman
2. Shri K. N. Nair, Advocate	Member
3. Shri Mayank Sharma, Advocate	Member

AWARD

Passed on this 13th day of July, 2008

1. The Government of India, Ministry of Labour vide its Notification No. L-29012/12/2003-IR(M) dated 16-6-2003 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of the Bhilai Steel Plant in not extending the benefits of S-10 grade on the date of superannuation to Shri Sohan Lal, although he was on the company roll on the date of eligibility for promotion, is legal and justified? If not, to what relief the workman is entitled for?”

2. After the reference order was received, it was duly registered on 21-7-03 and notices were issued to the parties to file their statements of claim.

3. During the pendency of this reference, workman Shri Sohan Lal moved application No. 16 that he is withdrawing this dispute with immediate effect as local management assured him that they are going to rectify the anomaly meted out to him and they will arrange for payment of difference of superannuation benefits on S-10 scale as on 30-6-01.

4. It has been endorsed on this application by Shri K.A. Raju, Ex-employee representing the workman that no dispute award is prayed for, Shri A.K. Shashi, Advocate for the management also made endorsement on this application that he has no objection in case the workman does not press this dispute. He also countersigned the endorsement made by Shri K.A. Raju, Ex-employee for the workman to the effect that no dispute award is prayed for.

5. It is clear from the above that the parties have come to terms and no industrial dispute exists between them. Under the circumstances, it shall be just and proper to pass no dispute award without any orders as to costs.

6. In view of the above, no dispute award is passed without any orders as to costs.

7. Copies of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, PO CGIT-Cum-Labour Court,
Jabalpur, Chairman

K. N. NAIR, Advocate, Member
MAYANK SHARMA, Advocate, Member

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2457.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार द्वारा पार्बल लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/प्रम न्यायालय, उदयपुर के पंचाट (संदर्भ सं. 01/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2008 को प्राप्त हुआ था।

[सं. एल-29012/89/2001-आई आर (एम)]

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2457.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No.01/2006) of Central Government Industrial Tribunal-cum-Labour Court Udaypur, now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of M/s. R.K. Marble Ltd., and their workmen, received by the Central Government on 04-8-2008.

[No. L-29012/89/2001-IR(M)]

KAMAL BAKHNU, Desk Officer

अनुबन्ध

औद्योगिक विवाद अधिकारण एवं प्रम न्यायालय,

उदयपुर [राज.]

पीठासीन अधिकारी—श्री बलदेवपुरी गोस्वामी,

आर.एच.जे.एस.

प्रकाशन सं. 01/06 आई.टी.आर.

श्री अनिल कुमार पिता रामदीपसिंह

द्वारा संयुक्त मंत्री, भारतीय मजदूर संघ,

स्टेट बैंक आफ बीकानेर एण्ड जयपुर, पाली

—प्राथी

विरुद्ध

श्री महाप्रबन्धक,

मैसर्स आर.के. मार्बल्स लि., मोरवड,

जिला राजसमन्द

—विपक्षी

उपस्थितः—

प्रार्थी की ओर से: कोई उपस्थित नहीं
विपक्षी की ओर से : श्री मोह-शरीफ छोपा

पंचाट

दिनांक 18-07-2008

भारत सरकार के श्रम विभाग, नई दिल्ली के आदेश क्रमांक एल-29012/39/2001-आई आर दिनांक 28-01-2001 के द्वारा निम्नांकित विवाद इस न्यायालय को अधिविर्णयार्थ प्रेषित किया गया :—

“क्या महाप्रबन्धक मैसर्स आर के. मार्बल लि. मोरवड, जिला राजसमन्द [राज.] द्वारा श्रमिक श्री अनिलकुमार पुत्र श्री रामदीपसिंह आपरेटर वायरता को उसकी निलम्बन तिथि 27-7-2000 से निलम्बन अवधि समाप्ति तक नियमानुसार जीवन निर्वाह भत्ता नहीं दिया जाना उचित एवं वैद्य है? यदि नहीं तो श्रमिक अपने नियोजक से किस राहत को पाने का अधिकारी है?

उक्त प्रसंग प्राप्त होने पर न्यायालय द्वारा प्रकरण दर्ज रजिस्टर किया गया व संबोधित पक्षकारान को नोटिस जारी किये गये। जिस पर प्रार्थी की ओर से क्लेम व विपक्षी की ओर से जवाब पेश किया गया।

प्रार्थी की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार है कि प्रार्थी की नियुक्ति विपक्षी के अधीन सीनियर आपरेटर वायरता के पद पर 10-1-96 को हुई एवं श्रमिक ने सीनियर आपरेटर वायरता पद के समस्त कर्तव्यों का बिना किसी व्यवधान के किया। विपक्षी नियोजक के वरिष्ठ प्रबन्धक द्वारा उनके पत्र क्रमांक 4 दिनांक 27-7-2000 द्वारा निलम्बित किया गया। उक्त पत्र के अंतिम पैरा में यह आदेश दिया गया कि श्रमिक को नियमानुसार निर्वाह भत्ता देय होगा। विपक्षी संस्थान में कोई स्थाई नियम एवं प्रमाणित स्थायी आदेश नहीं होने की वजह से मोडल स्टेण्डिंग आईसू.लागू है। माह जुलाई, 2000 से रोके गये वेतन एवं निलम्बन अवधि के निर्वाह भत्ते को दिलाये जाने हेतु प्रार्थी द्वारा विपक्षी के वरिष्ठ प्रबन्धक [कार्मिक एवं श्रेष्ठासन] को एक पत्र दिनांक 8-1-01 से निवेदन किया कि वे प्रार्थी के रोके गये वेतन व निर्वाह भत्ते का भुगतान करें। विपक्षी द्वारा प्रार्थी को वेतन के रूप में जून, 2000 में 8106 रुपये का भुगतान किया गया व इस आधार पर औ.वि.अधि. 1946 की धारा 10[ए] के अनुसार माह जून, 2000 में दिये गये वेतन के आधार पर जीवन निर्वाह भत्ता दिया जाना न केवल आवश्यक था, अपितु आज्ञापक था। इसलिये जून, 2000 में दिये गये वेतन के आधार पर प्रार्थी 28 जुलाई, 2000 से 25 अक्टूबर, 2002 तक 90 दिन के 12159 रुपये व 26 अक्टूबर, 2000 से 14 सितम्बर 2001 तक 90 दिनों के पश्चात 64848 रुपये कुल 77007 रुपये भुगतान की जानी आवश्यक थी लेकिन जान दूख कर उक्त जीवन निर्वाह भत्ते का भुगतान नहीं किया गया। इसलिये उक्त राशि मय 18 प्रतिशत ब्याज के भुगतान कराने जाने का आदेश दिलावे।

विपक्षी ने अपने जबाब में यह अंकित किया है कि विपक्षी के यहां प्रार्थी की नियुक्ति 10-1-96 को नहीं बल्कि 1-7-96 को हुई थी। प्रार्थी विपक्षी संस्थान में वायरता ऑपरेटर के पद पर कार्यरत था, तथा उसके द्वारा कार्य में लापरवाही बरतने के कारण व संस्थान को अर्थिक हानि पहुंचाने के कारण दिनांक 27-7-2000 को निलम्बित किया व निलम्बन आदेश में प्रार्थी को प्रतिदिन 7 बजे समय विभाग में अपनी उपस्थिति देनी थी, लेकिन प्रार्थी ने समय विभाग में प्रतिदिन उपस्थिति नहीं

दी। अतः प्रार्थी को निर्वाह भत्ता देय नहीं है। प्रार्थी ने मात्र 28 व 29 जुलाई, 2000 को उपस्थिति दी जिसका कि भुगतान प्रार्थी प्राप्त कर चुका है। इसके बाद प्रार्थी इस संस्थान के पड़ोस में स्थित अन्य माईस्स पर प्रबन्धक की बिना अनुमति से एवं सेवा से त्याग पत्र दिये बिना माह अगस्त से दिसम्बर 2000 तक गेनफुल एम्पलायमेन्ट में था जबकि उसे भली प्रकार मालूम था कि निलम्बन की अवधि में वह दो प्रतिष्ठानों से निर्वाह भत्ता या वेतन कानूनी रूप से प्राप्त नहीं कर सकता। प्रार्थी ने जो माह जून की राशि 8106 रुपये दर्शायी वह उचित नहीं है, प्रार्थी को कुल 4050 रुपये वेतन बनता था तथा अतिरिक्त राशि 4050 रुपये उत्पादन इन्सेटिव के रूप में भुगतान किया गया था। यह उत्पादन इन्सेटिव का भुगतान उत्पादन के साथ ही उनकी निश्चित अवधि में डयूटी पर उपस्थित होने की दशा में ही देय थी। विपक्षी ने अपने विशेष उत्तर में यह अंकित किया कि प्रार्थी को गम्भीर आरोपों के आधार पर जांच कार्यवाही के दौरान डयूटी से निलम्बित किया गया और आदेशानुसार उसे प्रतिदिन 7 बजे कार्यालय में उपस्थिति देनी थी लेकिन प्रार्थी ने जिस अवधि में उपस्थिति दी उसका निर्वाह भत्ता उसने प्राप्त कर लिया व जिस अवधि में ‘गेनफुल एम्पलायमेन्ट’ में रहते हुए अन्य प्रतिष्ठान में कार्य किया उसका वह निर्वाह भत्ता पाने का अधिकारी नहीं है। इस प्रकार वह कोई राशि व ब्याज प्राप्त करने का अधिकारी नहीं है। इसलिये प्रार्थना पत्र खारिज किये जाने की प्रार्थना की है।

प्रार्थी को अपने प्रार्थना पत्र के समर्थन में साक्ष्य पेश करने हेतु दिनांक 25-9-07 से 6-5-08 तक साक्ष्य प्रार्थी हेतु अवसर दिया लेकिन कोई साक्ष्य पेश नहीं हुई। दिनांक 6-5-08 को प्रार्थी की ओर से कोई उपस्थित ही नहीं हुआ फिर भी एक अवसर और दिनांक 17-7-08 हेतु नियत किया लेकिन दिनांक 17-7-08 को भी प्रार्थी की ओर से कोई उपस्थित नहीं हुआ न ही कोई साक्ष्य या दस्तावेज ही पेश हुए। अतः साक्ष्य प्रार्थी बन्द की गई।

विपक्षी ने कोई साक्ष्य पेश नहीं करना चाहा।

विपक्षी प्रतिनिधि को सुना गया।

चूंकि यह क्लेम प्रार्थना पत्र प्रार्थी की ओर से प्रस्तुत किया गया है और इस क्लेम को साबित करने का भार प्रार्थी पर ही था। लेकिन प्रार्थी की ओर से कोई साक्ष्य पेश नहीं हुई। इसलिये साक्ष्य के अभाव में यह प्रमाणित नहीं होता है कि विपक्षी संस्थान आर.के. मार्बल लिमिटेड द्वारा प्रार्थी अनिल कुमार को निलम्बन अवधि का जीवन निर्वाहक भत्ता दिया या नहीं और वह जीवन निर्वाह भत्ता दिया जाना उचित एवं वैध था या नहीं और प्रार्थी किस-किस अवधि का कितना-कितना जीवन निर्वाह भत्ता प्राप्त करने का अधिकारी था? कुछ भी तथ्य साक्ष्य के अभाव में प्रमाणित नहीं है। अतः प्रार्थी का यह क्लेम खारिज किये जाने योग्य है तथा प्रार्थी कोई राहत पाने का अधिकारी नहीं है।

अतः भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित विवाद दिनांक 28-01-2001 को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है कि महाप्रबन्धक मैसर्स आर.के. मार्बल लि. मोरवड जिला राजसमन्द [राज.] द्वारा श्रमिक श्री अनिल कुमार पुत्र रामदीपसिंह आपरेटर वायरता को उसके निलम्बन काल में जीवन निर्वाह भत्ता दिया या नहीं यह प्रमाणित नहीं है तथा न ही यह प्रमाणित है कि प्रार्थी जीवन निर्वाह भत्ता पाने का अधिकारी था या नहीं। अतः साक्ष्य के अभाव में प्रार्थी श्रमिक अनिल कुमार कोई राहत व राशि प्राप्त करने का अधिकारी नहीं है।

पंचाट प्रकाशनार्थ भारत सरकार के श्रम मंत्रालय को भेजा जायें।

बलदेवपुरी गोस्वामी, पीठासीन अधिकारी

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2458.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार हरियाणा मिनरल लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय I, चंडीगढ़ के पंचाट (संदर्भ सं. आई.डी.-157/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-08-2008 प्राप्त हुआ था।

[सं. एल-29011/25/2003-आई.आर.(एम.)]
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2458.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. - 157/2003) of the Central Government Industrial Tribunal-cum-Labour Court, I, Chandigarh now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Haryana Mineral Limited, and their workman, which was received by the Central Government on 04-08-2008.

[No. L-29011/25/2003-IR(M)]
KAMAL BAKHNU, Desk Officer
ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR COURT-I,
CHANDIGARH**

Case No. I.D 157/2003

Shri B.S. Prabhakar, Back Side Anaj Mandi, Charkhi Dadri, Bhjwani.

..... Applicant

Versus

The General Manager, Haryana Minerals Ltd., Arunachal Building, 7th Floor, 703-704, 17, Barakhamaba Road, New Delhi

..... Respondent

APPEARANCES

For the workman : None
For the management : None

AWARD

Passed on 22-7-2008

The Central Govt. vide notification No. L-29011/25/2003-IR(M), dated 18-8-2003 has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Haryana Mineral Ltd. in laying off 58 workmen (as per list enclosed) w.e.f. 15-6-2000 leading to the retrenchment w.e.f. 6-2-01 is just and legal? If not, to what relief the workmen are entitled to?"

2. No one is present, on behalf of workman. No one is also present for the management. Since morning this reference has been called number of times. At 10.45 am, it was ordered to be placed before this Tribunal once again at 2pm. it is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference despite notice. The reference is as old as referred to this Tribunal in the year 2003. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned. Chandigarh G.K. SHARMA, Presiding Officer 22-7-08

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2459.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओ.एन. जी.सी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, II, नई दिल्ली के पंचाट (संदर्भ सं. आई.डी.-66/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-08-2008 प्राप्त हुआ था।

[सं. एल-30012/16/2005-आई.आर.(एम.)]
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2459.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D.-66/2005) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of ONGC, and their workmen, which was received by the Central Government on 04-08-2008.

[No. L-30012/16/2005-IR(M)]
KAMAL BAKHNU, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

Presiding Officer: R. N. Rai I.D. No.66/2005

In the Matter of:

Sh. Govind Ram Bahuguna,
R/o. 1/20, Indira Nagar Colony Chukkhuwala,
Dehradun (Uttarakhand) -Claimant

Versus

The Chairman cum Managing Director,
ONGC,
Tel Bhawan,
Dehradun-248 001.

-Respondents**AWARD**

The Ministry of Labour by its letter No. L-30012/16/2005-IR(M) Central Government Dt.22-07-2005 has referred the following point for adjudication:

The point runs as hereunder:-

"Whether the workman Sh. Govind Ram Bahuguna was in continuous employment w.e.f. 17-08-2001 with Oil and Natural Gas Corporation, Dehradun? If so, whether the termination of the concerned person by the management of ONGC w.e.f. 18-08-2003 in the guise of non-renewal of contract of employment and without notice and compensation is legal and justified and to what relief the concerned person is entitled to."

The case of the workman is that he worked continuously from 17-08-2001 to 17-08-2003 and his services were illegally terminated without payment of retrenchment compensation and one month's pay in lieu of notice.

He has completed 240 days in every year of his employment from 17-08-2001 to 17-08-2003. He has worked continuously for two years.

That after termination of the services of the applicant another workman has been engaged at his place. That the management has acted in violation of Section 25 F and G of the ID Act, 1947.

The case of the management is that the workman was initially given fixed term appointment for six months from 17-08-2001. It was further extended and the workman worked till 16-02-2003. Fresh engagement was given to him from 17-02-2003 to 17-08-2003 for six months in CPF section of M/s. ONGC.

The services of the workman has not been terminated illegally. He was given fixed term appointment and at the end of the fixed term his services automatically stood terminated. He is not entitled to retrenchment compensation or one month's pay in lieu of notice.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he worked continuously from 17-08-2001 to 17-08-2003 and the work still exists and another person has been employed at his place for discharging the same work.

It was submitted from the side of the management that the workman was given fixed term appointment from 17-08-2001 to 17-08-2003 as per need basis.

It was further submitted that he has been given fixed term appointment and his services automatically stood terminated after expiry of the fixed term appointment. The case is covered under section 2(oo) of the ID Act, 1947.

From perusal of the record it becomes quite obvious that the workman has worked continuously for two years. That he has been given six months fixed term appointment initially and it has been extended again and again. Thus, it cannot be said that the workman has not worked continuously for two years i.e. from 17-08-2001 to 17-08-2003.

From perusal of the record it transpires that the workman was engaged on the recommendation of State Minister. It has been provided in Section 25 F of the ID Act, 1947 that if a workman has worked continuously for one year or 240 days in a calendar year or preceding the date of his termination he is entitled to retrenchment compensation and one month's pay in lieu of notice.

It also becomes quite obvious from perusal of the record that the workman was engaged for six months in PRBS Section for six months in CPF Section. The workman has admitted that both the sections are different sections of the M/s. ONGC. M/s. ONGC offered employment so it is immaterial that the abovementioned Sections are not of M/s. ONGC.

Fixed term appointment should be given for one time or two times. It should not be given continuously. If such trend of fixed term appointment is permitted the management can give 30 fixed term appointments for the entire tenure of the services of the workman.

In the circumstances it is held that the workman has worked continuously for two years. It is admitted to the management that no retrenchment compensation or one month's pay in lieu of notice is given.

It is settled law that in case retrenchment compensation and one month's pay in lieu of notice is not paid the workman shall be deemed to be in continuous service. The workman in this case has worked for two years continuously and he has not been paid retrenchment compensation and one month's pay in lieu of notice, so his services have not been legally terminated. He shall be deemed to be in continuous service.

It has been held in 2008 Lab IC page 783 by the Hon'ble Apex Court that reinstatement does not mean confirmation.

Direction given for his reinstatement being final such order would not necessarily entitle him to claim benefits of permanency.

In view of the judgement of the Hon'ble Apex Court reinstatement does not imply confirmation/ absorption or making permanent. The management cannot dis-engage a workman and take another workman at his place as it would infringe the provisions of Section 25 G & H of the ID Act, 1947. In the circumstances, management should reinstate the workman. Reinstatement should not be misconceived for regularization or making permanent. Reinstatement implies only re-statement to the previous status.

It has been held in a catena of cases by the Hon'ble Supreme Court that if the services have been illegally terminated the workman is entitled to reinstatement, in case the work exists.

In the instant case it is not denied that the work does not exist. Termination of the workman in the instant case is illegal in view of non-compliance of mandatory provision of section 25F of the ID Act, 1947.

The workman has admitted in his cross-examination that he is working and getting Rs. 1800 wages in Biotique in Dehradun, so he is gainfully employed. The workman is entitled to reinstatement along with full back wages minus Rs.1800 per month which he is already getting at present.

The reference is replied thus:

The workman Sh. Govind Ram Bahuguna was in continuous employment w.e.f. 17-08-2001 with Oil and Natural Gas Corporation, Dehradun. The termination of the concerned person by the management of ONGC w.e.f. 18-08-2003 in the guise of non-renewal of contract of employment and without notice and compensation is neither legal nor justified. The management should reinstate the workman along with full back wages (-) minus Rs. 1800 per month which he is already getting within two months from the date of the publication of the award.

The award is given accordingly.

Date : 23-07-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2460.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण से केन्द्रीय सरकार कोलकाता पोर्ट ड्रॉट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में लिएष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकाता के पंचाट (संदर्भ सं. 16/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-08-2008 को प्राप्त हुआ था।

[फास. एल-32011/1/2002-आई आर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2460.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Kolkata Port Trust, and their workmen, which was received by the Central Government on 04-08-2008.

[F. No.L-32011/1/2002-IR(M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No.16 of 2002

Parties: Employers in relation to the management of
Kolkata Port Trust

And

Their workmen.

Present : Mr. Justice C.P. Mishra, Presiding Officer.

APPEARANCE

On behalf of the : Mr. M.K. Das, Industrial
Management Relations Officer.

On behalf of the : None.
Workman

State : West Bengal. Industry : Port & Dock

Dated : 24th July, 2008

AWARD

By Order No. L- 32011/1/2002- IR(M) dated 26.07.2002 the Government of India, Ministry of labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Kolkata Port Trust in not providing the holidays, project allowance, earned leave, encashment of leave, continuity of service for the purpose of gratuity, pension etc. to 54 and other similar workmen (as per Annexure X) who were engaged in Haldia Dock Project as Work-charged/casual workmen initially and transferred to Kolkata Port is justified? If not, what relief the concerned workmen are entitled?”

2. When the case is called out today, none appears for the workmen nor any step is taken on their behalf to proceed with the case. Management, however, is represented by its representative. It appears from the record that both the parties have completed their respective pleadings and one

witness has also been examined on behalf of the workmen, but none is appearing on behalf of the workmen since 05-07-2007 nor any step is taken on their behalf to proceed further in the matter. Finding no other alternative this Tribunal by order dated 18-01-2008 directed the management to adduce its evidence. Today, when the management is asked to adduce its evidence, the representative of the management has stated that since the workmen are not coming forward to prove their case, the management has nothing to answer. It is also stated that from the conduct of the workmen it is clear that they have lost their interest in the present dispute. It is accordingly prayed that the present reference may be disposed of by passing a "No Dispute" Award. I find force in such submission.

3. In such view of the matter, this Tribunal has no other alternative but to dispose of the present reference by passing a "No Dispute" Award. Accordingly, a "No Dispute" Award is passed the reference is disposed of.

Dated; Kolkata C. P. MISHRA, Presiding Officer
the 24th July, 2008.

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2461.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सी.पी. डब्ल्यू.डी. एवं आई.ए.आर.आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ खंड्या-71/2005; 1/2004; 04/2004; 05/2004; 07/2004; 08/2004; 09/2004; 11/2004; 12/2004; 72/2003; 73/2003; 90/2003; 97/2004; 104/2005; 106/2005; 120/2004; 121/2004; 124/2004; 125/2004; 171/2004; & 136/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-08-2008 प्राप्त हुआ था।

[स.एल-42012/93/2004-आई.आर.(सी-II),
एल-42012/2/2002-आई आर (सी-II),
एल-42012/14/2003-आई.आर.(सी-II),
एल-42012/28/2003-आई आर (सी-II),
एल-42012/30/2003-आई.आर.(सी-II),
एल-42012/31/2003-आई आर (सी-II),
एल-42012/32/2003-आई.आर.(सी-II),
एल-42012/34/2003-आई आर (सी-II),
एल-42012/35/2003-आई.आर.(सी-II),
एल-42012/262/2002-आई आर (सी-II),
एल-42012/265/2002-आई.आर.(सी-II),
एल-42012/266/2002-आई आर (सी-II),
एल-42012/56/2003-आई.आर.(सी-II),
एल-42012/58/2003-आई.आर.(सी-II),
एल-42012/60/2003-आई.आर.(सी-II),
एल-42012/136/2003-आई.आर.(सी-II),
एल-42012/137/2003-आई.आर.(सी-II),
एल-42012/138/2003-आई.आर.(सी-II),
एल-42012/159/2003-आई.आर.(सी-II),
एल-42012/235/2003-आई.आर.(सी-II),
एल-42012/231/2003-आई.आर.(सी-II),]

एल-42012/60/2003-आई.आर.(सी-II),
एल-42012/136/2003-आई आर (सी-II),
एल-42012/137/2003-आई.आर.(सी-II),
एल-42012/138/2003-आई आर (सी-II),
एल-42012/159/2003-आई.आर.(सी-II),
एल-42012/235/2003-आई आर (सी-II),
एल-42012/231/2003-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2461.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No.71/2005; 1/2004; 4/2004; 5/2004; 7/2004; 8/2004; 9/2004; 11/2004; 12/2004; 72/2003; 73/2003; 90/2003; 97/2004; 104/2005; 106/2005; 120/2004; 121/2004; 124/2004; 125/2004; 171/2004; & 136/2004) of the Central Government Industrial Tribunal-cum-Labour Court No.2, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of CPWD & IARI, and their workmen, which was received by the Central Government on 04-08-2008.

[No. L-42012/93/2004-IR(C-II),
L-42012/2/2002-IR(C-II),
L-42012/14/2003-IR(C-II),
L-42012/28/2003-IR(C-II),
L-42012/30/2003-IR(C-II),
L-42012/31/2003-IR(C-II),
L-42012/32/2003-IR(C-II),
L-42012/34/2003-IR(C-II),
L-42012/35/2003-IR(C-II),
L-42012/262/2002-IR(C-II),
L-42012/265/2002-IR(C-II),
L-42012/266/2002-IR(C-II),
L-42012/56/2003-IR(C-II),
L-42012/58/2003-IR(C-II),
L-42012/60/2003-IR(C-II),
L-42012/136/2003-IR(C-II),
L-42012/137/2003-IR(C-II),
L-42012/138/2003-IR(C-II),
L-42012/159/2003-IR(C-II),
L-42012/235/2003-IR(C-II),
I-42012/231/2003-IR(C-II),]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R.N. RAI.

I.D. No. 71/05, 1/04,
04/04, 05/04, 07/04,
08/04, 09/04, 11/04,
12/04, 72/03, 73/03,
90/03, 97/04, 104/05,
106/05, 120/04,
121/04, 124/04,
125/04, 171/04 &
136/04,

In the Matter of:-

Sh. Gayana Ranjan Pattnaik & 20 others
through the All India CPWD (MRM)
Karamchari Sangathan, 4823,
Balbir Nagar Extension,
Gali No. 13, Shahadara,
Delhi-110032.

Versus

The Director General,
CPWD,
Nirman Bhawan,
New Delhi-110001.

The Executive Engineer,
Electrical Division-II, CPWD
IARI, Pusa,
New Delhi.

AWARD

The Ministry of Labour by its letter Nos.L-42012/93/2004-IR (CM-II), Central Govt. dated 18-07-2005, L-42012/2/2002-IR (CM-II) Central Govt. dated 30-12-2003, L-42012/14/2003-IR (CM-II) Central Govt. dated 30-12-2003, L-42012/28/2003-IR (CM-II) Central Govt. dated 30-12-2003, L-42012/30/2003-IR (CM-II) Central Govt. dated 30-12-2003, L-42012/31/2003-IR (CM-II) Central Govt. dated 30-12-2003, L-42012/32/2003-IR (CM-II) Central Govt. dated 30-12-2003, L-42012/34/2003-IR (CM-II) Central Govt. dated 30-2-2003, L-42012/35/2003-IR (CM-II) Central Govt. dated 30-12-2003, L-42012/262/2002-IR (CM-II) Central Govt. dated 13-05-2003, L-42012/265/2002-IR (CM-II) Central Govt. dated 19-05-2003, L-42012/266/2002-IR (CM-II) Central Govt. dated 09-06-2003, L-42012/56/2003-IR (CM-II) Central Govt. dated 27-05-2004, L-42012/58/2003-IR (CM-II) Central Govt. dated 29-08-2005, L-42012/60/2003-IR (CM-II) Central Govt. dated 29-08-2005, L-42012/136/03-IR (CM-II) Central Govt. dated 27-07-2004, L-42012/137/2003-IR (CM-II) Central Govt. dated 27-07-04, L-42012/138/2003-IR (CM-II) Central Govt. dated 9-08-04, L-42012/159/2003-IR (CM-II) Central Govt. dated 9-08-04, L-

42012/235/2003-IR (CM-II) Central Govt. dated 20-8-04 & L-42012/231/2003-IR (CM-II) Central Govt. dated 03-11-04 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the demand of the All India CPWD (MRM) Karamchari Sangathan Delhi for regularization of Shri Gayana Ranjan Pattnaik (Operator) w.e.f. 7-1-1999 is legal and justified? If so, to what benefits the workman is entitled for and what directions are necessary in the matter?”

“Whether the workman Sh. Birender Singh S/o Shri Jagat Singh is entitled for reinstatement/absorption and regularization in the establishment of CPWD consequent upon abolition of contract labour system? If yes, to what relief the workman is entitled and from which date?”

“Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for absorption/regularization of Shri Arjun Kumar, Pump Operator in the establishment of CPWD is legal and justified? If yes, to what relief the workman is entitled and which date?”

“Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for regularization of Sh. Anand Singh, Lift Operator in the establishment of CPWD is legal and justified? If yes, to what relief the workman is entitled and which date?”

“Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for regularization of Sh. Ajay Kumar, DG Operator in the establishment of CPWD is legal and justified? If yes, to what relief the workman is entitled and which date?”

“Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for regularization of Sh. Shankar, Generator Operator in CPWD is legal and justified? If yes, to what relief the workman is entitled and which date?”

“Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for regularization of Sh. D.C. Nayak, Generator Operator in CPWD is legal and justified? If yes, to what relief the workman is entitled and which date?”

“Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for regularization of Sh. Manoj Kumar S/o Shri Shiv Kumar, Wireman in the establishment of CPWD is legal and justified? If yes, to what relief the workman is entitled and which date?”

“Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for regularization of Sh. Prashant Kumar, Generator Operator in the establishment of CPWD is legal and justified? If yes, to what relief the workman is entitled and which date?”

“Whether the non regularization of the services of the claimant workman by the management of the Director General (Works), CPWD (Electrical Divn. No.II, IARI, Pusa)

New Delhi from the date of his initial appointment is just fair and legal? If not, to what relief the said workman is entitled to and from which date?"

"Whether the non regularisation of the services of the claimant workman by the management of the Director General (Works), CPWD (Electrical Divn. No. II, IARI, Pusa) New Delhi from the date of his initial appointment is just fair and legal? If not, to what relief the said workman is entitled to and from which date?"

"Whether the non regularisation of the services of the Dinesh Kumar workman by the Director General (Works), CPWD (Electrical Divn. No. II, IARI, Pusa) New Delhi from the date of his initial appointment is legal and justified? If not, to what relief the said workman is entitled?"

"Whether the workman Sh. Ashwini Kumar is entitled for reinstatement/absorption and regularization consequent upon abolition of contract labour system? If yes, to what relief the workman concerned is entitled to and from which date?"

"Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for absorption and regularization of Sh. Vinod Kumar in the establishment of CPWD is legal and justified? If so, to what relief he is entitled?"

"Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for absorption and regularization of Sh. Nageena Rai in the establishment of CPWD is legal and justified? If so, to what relief he is entitled?"

"Whether the contract between the management of CPWD and the contractor is sham? If so, the demand of the All India CPWD (MRM) Karamchari Sangathan for reinstatement/regularization of Sh. Subhash Chand S/o Shri Gyan Chand, Khallasi in the establishment of CPWD is justified and to what relief he is entitled?"

"Whether the contract between the management of CPWD and the contractor is sham? If so, the demand of the All India CPWD (MRM) Karamchari Sangathan for reinstatement/regularization of Sh. Kamlesh Maurya, Wireman in the establishment of CPWD is justified and to what relief he is entitled?"

"Whether the contract between the management of CPWD and the contractor is sham? If so, the demand of the All India CPWD (MRM) Karamchari Sangathan for reinstatement and regularization of Sh. Ramesh Kumar, DG Operator is legal and justified? If yes, to what relief the workman is entitled and from which date?"

"Whether the contract between the management of CPWD and the contractor is sham? If so, the demand of the All India CPWD (MRM) Karamchari Sangathan for reinstatement and regularization/absorption of the services Sh. Mathew John, Generator Operator is legal and justified?

If yes, to what relief the workman is entitled and from which date?"

"Whether the contract between the management of CPWD and their contractor is sham and the demand of CPWD Workers Organisation for regularization/absorption of Shri Satyavir Singh S/o Shri Bhola Singh in the establishment of CPWD is legal and justified? If yes, to what relief he is entitled?"

"Whether the demand of the All India CPWD (MRM) Karamchari Sangathan for absorption/regularization of the services of contract labour, namely Sh. Sudhir Kumar S/o Shri Birender Mahto, Pump Operator in is legal and justified? If yes, to what relief is the workman entitled and from which date?"

I.D.Nos. 71/05, 1/04, 4/04, 5/04, 7/04, 8/04, 9/04, 11/04, 12/04, 72/03, 73/03, 90/03, 97/04, 104/05, 106/05, 120/04, 121/04, 124/04, 125/04, 171/04, & 136/04 involve common dispute. These are connected cases and they can be adjudicated by common award. The grounds of all the cases mentioned above are the same. There is only variance in date of engagement and dis-engagement. So all the above mentioned cases are taken up together.

The workmen applicants have filed claim statement. In the claim statement they have stated that the workmen were working as Operator on contract labour through with the respondent management through the contractor M/s Hi-Tech Consultants and Engineers, S-7, Okhla Phase II, New Delhi from 1st July 1996 till the illegal and mala fide termination of his services w.e.f. 7th December 1999.

The workmen have put in more than 240 days in each year in service till date.

That no seniority list of the workmen employed in the establishment is being maintained either by the management or by the contractor.

That the workmen have been performing the duties of operation and maintenance of pumps, electric motors, internal combustion engines driven, machinery generating sets and tractors which are essentially the same duties that are performed by regular operators in the CPWD.

That during the course of their employment the workmen have worked under several contractors which used to change after every six months. However, despite the change in contractors the services of the workmen were never changed and each new contractor who got the contract employed the same set of workmen including the workmen herein. Thus, despite change of contractors the services of the workmen under the CPWD were continuous.

That the workmen are employed by the respondent management at the Electrical Division wherein the workmen performed the job of operator, which are an essential and

permanent part of the electrical division.

The works of an operator is directly connected with the day to day working of the respondent in its electrical division and are essential in nature.

Though on paper it is depicted as if the workmen herein were the employee of the contractor but in reality the contractor were a mere sham entity designed to deny the status of permanency to the workmen and other similarly situated contract labour. That contract between the contractor and the management were not genuine but just a smoke screen to defeat the provisions of various beneficial legislations designed to protect the interests of workers.

That in day to day working, instructions to do any task was given by the engineers of the CPWD as to what task is to be done and how it is to be done. At no point of time during his employment were the work of the workmen ever supervised by the contractor or any of his employee but at all points of time the workmen was under the direct supervision and control of the CPWD.

That the employees of the management even enjoyed disciplinary authority over the workmen and all other contractual labour employed under it. The sham contract between the contractor and the management were essentially for supply of labour and that actual maintenance work are being supervised by the engineers of the CPWD.

That the management have been continuing the workmen as a contractual labour since years even though vacant sanctioned posts are available with the management but the management instead of employing the workmen and other similarly situated workmen for work which are/is essentially of a permanent nature have been surrendering the same.

That therefore it is abundantly clear that the workmen have been directly working under the CPWD continuously for number of years under the direct supervision and control of the company.

That the works done by the workmen are sufficient to employ regular workmen and in fact in the CPWD itself as well as other similar establishments regular employees are appointed to work as operators.

That by its actions the management is also guilty of commission of unfair labour practices as enumerated in schedule 5 of the Industrial Disputes Act, 1947.

That the claim of the workmen are being espoused by the All India Central PWD (MRM) Karamchari Sangathan (Regd.), 4823 Balbir Nagar Ext. Gali No. 13, Shahdara, Delhi - 110 032 through its office bearers.

The Management has filed written statement. In the written statement it has been stated that the alleged workmen has never been employed by the CPWD. The workmen were admittedly engaged by the contractor to

whom the contract were awarded (registered contractor) by the CPWD on work basis.

It is further submitted that the alleged workmen have never been employed by the respondents, hence completion of 240 days of service as claimed by the alleged workmen does not arise.

It is further submitted that alleged workmen are employees of contractor and there is no direct relationship of employee and employer between the respondents and workmen. In absence of direct relationship of employee and employer no seniority list are maintained by the CPWD and hence question of the seniority of the workers under contractor does not arise. Therefore the workmen are not entitled for any benefits and protection under Industrial Dispute Act, 1947.

Moreover as per condition of CPWD has no control over acting workers of the contractor to whom he engages for execution of works.

The workmen employed by the contractor cannot be equated with the departmental employees of CPWD.

It is further submitted that the respondents are acquainted with the work as per the terms of the contract which were awarded to the contractor.

It is submitted that the alleged workmen have never been engaged by the respondents. Moreover in the matter of Secretary State of Karnataka and ors. Vs. Uma Devi SLP(c) No. 9103-9105/2001 Hon'ble Supreme Court has held that contract/casual workers do not have right to regularization without following prescribed procedure of recruitment.

It is submitted that the respondents used to inspect only the work performed by the workman as per the terms of the contract and the wages paid to the alleged workmen by the contractor who engaged him. There is no relation of employee and employer.

It is further submitted that the respondents have no sanctioned vacant posts. It is also denied that the work which is being discharged by the workmen are of regular nature. It is also relevant to mention herein that the claim of the workmen cannot be entertain for the mere reason that they have claimed regularization with the CPWD which do not have any work on its own but is doing the work for the other departments of Govt. of India. It is further more submitted that the claimant are not entitled for initiation of any type of proceedings as the said claimant has never worked directly on behalf of CPWD and have no right whatsoever for regularization/absorption or for any relief claimed by him as there are notified rules for making any type of appointments whether it is a group "D" post or any other post. In similar type of case no relief was granted by the CAT Jabalpur Bench against OA No. 228 of 2003. Copy enclosed as Annexure-A.

The workmen applicants have filed rejoinder. In the rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

The case of the workmen is for regularization and reinstatement.

All the workmen have given evidence. Almost all the workmen have stated in their cross-examination that they have no documentary proof regarding the year of their initial engagement.

Some workmen have stated that they were engaged through contractors. Some workmen have stated that they were engaged by the JE but they do not remember the name of the JE.

All the workmen have been engaged for the duty of operation of pump and generator.

It was submitted from the side of the management that the workmen have been engaged through contractors. They are working under the control and supervision of the contractor. The workmen cannot claim regularization in view of Uma Devi's case. They have not performed 10 years duty.

From perusal of the record it becomes quite obvious that no workman has filed any evidence regarding their initial engagement through the contractor. They have filed affidavit regarding this fact but it cannot be held on the basis of their affidavits that they were engaged initially at a particular date in a particular year.

The workmen have filed some documents for one year or two years and from that it becomes quite obvious that none of the workmen have worked continuously as alleged by them. It is true that they may have been engaged by the contractor for sometime but for regularization it is necessary that the workmen should have completed 10 years of service and they should have worked under the control and supervision of the management.

No document regarding control and supervision, assignment of duty has been filed by the workmen.

The workmen have not disclosed the date of their initial engagement even in the reference. They cannot be held to have been working from the year as alleged in their claim statement without documentary evidence. Anyone can file claim that he has worked for 10 years and give oral evidence. The working period of a workman cannot be ascertained on the basis of mere affidavit.

The workmen have failed to prove the initial date of their engagement and they have failed to prove that they have worked for more than 10 years. They have failed to prove that there is employer and employee relationship between the management and the workmen, so the workmen are not entitled to reinstatement or regularization.

The reference is replied thus:-

The demand of the All India CPWD (MRM) Karamchari Sangathan Delhi for reinstatement/absorption/regularization of Shri Gayana Ranjan Patnaik (Operator), Sh. Jagat Singh, Sh. Arjun Kumar, Pump Operator, Anand Singh, Lift Operator Ajay Kumar, DG Operator, Sh. Shankar, Generator Operator, Sh. D.C. Nayak, Generator Operator, Sh. Shiv Kumar, Wireman, Sh. Prashant Kumar, Generator Operator, Claimant workman, Claimant workman, Sh. Dinesh Kumar, Sh. Ashwani Kumar, Vinod Kumar, Nageena Rai, Subhash Chand, Kamlesh Maurya, Sh. Ramesh Kumar, Sh. Mathew John, Generator Operator, Sh. Satyavir Singh, Sh. Sudhir Kumar & Sh. Birender Mahto, Pump Operator w.e.f. 7-1-1999 is neither legal nor justified. The workmen applicants are not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 23-07-2008

R.N. RAI, Presiding Officer

नई दिल्ली, 4 अगस्त, 2008

का. आ. 2462.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.पी. सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय स. 2, नई दिल्ली के एचाट (सदर्भ संख्या-43/07, 35/07, 45/07, 39/07, 41/07, 42/07, 36/07, 37/07, 47/07, 44/07, 46/06, 40/07, & 38/07,) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-08-2008 को प्राप्त हुआ था।

[सं. एल-30012/7/2005-आई.आर. (एम.)
एल-30012/11/2005-आई.आर. (एम.)
एल-30012/9/2005-आई.आर. (एम.)
एल-30012/26/2005-आई.आर. (एम.)
एल-30012/20/2005-आई.आर. (एम.)
एल-30012/25/2005-आई.आर. (एम.)
एल-30012/24/2005-आई.आर. (एम.)
एल-30012/32/2005-आई.आर. (एम.)
एल-30012/22/2005-आई.आर. (एम.)
एल-30012/12/2005-आई.आर. (एम.)
एल-30012/23/2005-आई.आर. (एम.)
एल-30012/10/2005-आई.आर. (एम.)
एल-30012/33/2005-आई.आर. (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2462 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. Nos.43/07; 35/07; 45/07; 39/07; 41/07; 42/07; 36/07; 37/07; 47/07; 44/07; 46/06; 40/07; & 38/07) of the Central Government Industrial Tribunal-cum-Labour Court No.11, New Delhi now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BPCL and their workmen, which was received by the Central Government on 04-08-2008.

[Nos. L-30012/7/2005-IR(M)
L-30012/11/2005-IR(M)
L-30012/9/2005-IR(M)
L-30012/26/2005-IR(M)
L-30012/20/2005-IR(M)]
L-30012/25/2005-IR(M)
L-30012/24/2005-IR(M)
L-30012/32/2005-IR(M)
L-30012/22/2005-IR(M)
L-30012/12/2005-IR(M)
L-30012/23/2005-IR(M)
L-30012/10/2005-IR(M)
L-30012/33/2005-IR(M)]

KAMAL BAKHNU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT II, NEW DELHI

Presiding Officer : R.N. RAI. I.D. No. 43/07, 35/07, 45/07, 39/07, 41/07, 42/07, 36/07, 37/07, 47/07, 44/07, 46/06, 40/07, & 38/07.

In the Matter of:-

Sh. Khajan Singh & 12 Ors;
S/o. Sh. Lal Ram,
Village: Meerapur,
P.O: Bhagaula
Tehsil: Patwal,
Faridabad (Haryana)

Versus

The General Manager,
BPCL, LPG Bottling Plant,
Vill: Piyala,
Tehsil: Ballabhgarh,
Faridabad (Haryana)

AWARD

The Ministry of Labour by its letter Nos.
L-30012/7/2005 IR(M) CENTRAL GOVERNMENT DT.

08-08-2007, L-30012/11/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007, L-30012/9/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007, L-30012/26/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007, L-30012/20/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007, L-30012/25/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007, L-30012/24/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007, L-30012/32/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007, L-30012/22/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007, L-30012/12/2005-IR(M) C E N T R A L GOVERNMENT DT. 08-08-2007, L-30012/23/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007 & L-30012/10/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007, L-30012/33/2005-IR(M) CENTRAL GOVERNMENT DT. 08-08-2007, has referred the following points for adjudication.

The points run as hereunder:

“Whether the termination of service of Sh. Khajan Singh, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to.”

“Whether the termination of service of Sh. Har Prasad, S/o. Sh. Med Ram, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to.”

“Whether the termination of service of Sh. Prem Chand, S/o. Sh. Mool Chand, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to.”

“Whether the termination of service of Sh. Ved Pal, S/o. Ram Lal, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to.”

“Whether the termination of service of Sh. Malinder Singh S/o. Sh. Rati Ram, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to.”

“Whether the termination of service of Sh. Sher Singh, S/o. Sh. Chandi Ram, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to.”

“Whether the termination of service of Sh. Bhagwat Dayal, S/o. Sh. Ved Ram, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to.”

“Whether the termination of service of Sh. Hoshiar Singh, S/o. Holi singh w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to.”

“Whether the termination of service of Sh. Amar

Chand, S/o. Narain Singh, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to."

"Whether the termination of service of Sh. Shiv Ram, S/o. Amir Singh, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to."

"Whether the termination of service of Sh. Birpal, S/o. Sh. Prasadi Lal, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to."

"Whether the termination of service of Sh. Bharat Pal, S/o. Sh. Jagmal Singh, Security Guard w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to."

"Whether the termination of service of Sh. Gajraj, S/o. Sh. Lakkhi Ram w.e.f. 31-05-1999 by the management of BPCL, Piyala is just and legal? If not, to what relief the applicant is entitled to."

I.D.Nos.43/07, 35/07, 45/07, 39/07, 41/07, 42/07, 36/07, 37/07, 47/07, 44/07, 46/06, 40/07 & 38/07 involve common dispute. These are connected cases and they can be adjudicated by common award. The grounds of all the cases mentioned above are the same. So all the above mentioned cases are taken up together.

The workmen applicants have filed claim statement. In the claim statement it has been stated that the claimants/workmen were employed by the above management since 1-7-1996 and at the relevant period were working as a Assistant Supervisor and were drawing a monthly wages of Rs. 2783 per month. During the period of service neither the claimants/workmen have any managerial or administrative power nor his duty was any supervisory nature and they were working under the control and supervision of the aforesaid management. That the work and conduct of the workmen were quite satisfactory during the period of employment.

That the aforesaid management terminated the services of the above named workmen with effect from 31-5-1999 by verbal order. This is a case of refusal of duty and amounts to termination of services and retrenchment and that too without compliance of the mandatory prerequisites of Section 25-N & 25-G of the Industrial Disputes Act-1947. It is also a case of unfair labour practice. After terminating my services the aforesaid Management appointed new other employee in my place which is violation of the I.D. Act. 1947.

That after the termination of services, the claimants/workmen sent a demand notice dated 8-1-2003 by U.P.C. post which is served by the management but the aforesaid management neither reinstate the aforesaid workmen in their service nor given any reply to the said demand notice.

That the matter was referred to the Assistant Labour Commissioner, Central Govt. of India, Ministry of Labour at K.C. Road, Faridabad for his kind intervention as and apprehended dispute for the reinstatement of the workmen with all consequential benefits under Section 12 of Industrial Dispute Act, 1947 read with its Ec.2 (k) with Sec. 2A. The conciliation failed and the matter has been referred to this Hon'ble Labour Court for settlement through adjudication.

That the termination of services in the instant case is wrongful, illegal, against the principles of natural justice, malafide and a case of vindictiveness and also unfair labour practice, the workmen is, therefore, entitled to reinstatement with all consequential benefits including wages for the intervening period. The claimants/workmen are unemployed since their termination till now. After the termination of claimants/workmen the aforesaid management appointed some Junior/new employee in place of claimants/workmen. The claimants/workmen had worked more than 240 days in every year.

The management has filed written statement. In the written statement it has been stated that the matter referred to the Hon'ble Court for adjudication vide Reference Order No. L-30012/7/2005- IR(M) dated 08-08-2007. On receipt of the same, it was observed that the contractor i.e. M/s. Reliance Security Services Pvt. Ltd., under whom the claimants were engaged at the Answering Management's establishment at Piyala was not appearing in the array of the parties. Further the schedule in the aforementioned Reference Order read as:

The schedule of reference as mentioned in the Original reference Order has undergone a change. Hence the claim statement (dated 04-10-2004 of the claimant, which was filed before the aforementioned amendments (reference Corrigendum dated 21-11-2007) were carried out is not maintainable and the claimants should be directed to file his revised statement of claim. Until and unless the claimant files his revised statement of claim, in accordance with the aforementioned corrigendum our counter will not be proper and the Corporation reserves its right to add/modify its counter as and when the claimants files his revised claim statement.

The Answering Management neither issued any advertisement in the Newspaper of wide circulation nor requested any Employment Exchange to sponsor any candidate for the post of Assistant Supervisor, Accordingly the concerned workmen were never employed by the Answering Management as per its recruitment policy.

As per the instructions issued by Ministry, the Answering Management was required to obtain security/surveillance services only from agencies sponsored by Directorate General Resettlement (DGR), an autonomous body under the Ministry of Defence or through a State Ex-servicemen Corporation or from an Ex-servicemen

Co-operative Society. It was also advised by the Ministry of Industry, Government of India that all PSUs would be required to utilize the services of the DGR for all their security and surveillance services need.

In accordance with the aforesaid directives of the Government of India and its own guidelines, DGR used to sponsor only one Security service agency to a PSU for providing surveillance and vigilance services. Accordingly, DGR had sponsored M/s. Reliance Security Services for providing the surveillance and vigilance services at the said LPG Bottling Plant of the Answering Management during 1996. Thus, the Answering Management had awarded the said contract for providing surveillance and vigilance services to M/s Reliance Security Services for the period 01-07-1996 to 30-6-1998, which was subsequently extended for a further period of 3 months upto 30-9-1998, pending fresh sponsorship of an agency by DGR. Thereafter, as the Reliance Security Services was re-sponsored by DGR for providing the said services, the said contract was awarded for a further period of two years from 01-10-1998 to 30-09-2000. M/s. Reliance Security Services in discharge of its contractual obligation used to engage and provide its personnel at the aforesaid establishment of the Answering Management.

At the end of the said contractual period, as no fresh sponsorship was received in favour of M/s. Reliance Security Services, the said contract came to end and M/s. Reliance Security Services had withdrawn all its employees who were deployed at the premises of the Answering Management for rendering the contractual obligation.

That M/s Reliance Security Services was having supervision and control over the employees engaged by it. M/s Reliance Security Services used to make payment of wages to its employees and also used to deposit contribution under EPF & MP Act under its own code number.

That the concerned workmen had raised a demand notice dated 22-07-2002 upon M/s. Reliance Services and in pursuance of its said demand notice, Labour-cum-Conciliation Officer, Ballabhgarh Circle, Faridabad initiated conciliation proceedings. During conciliation proceedings, a settlement dated 30-09-2002 was arrived at between the concerned workmen through their authorized representative and the Management of Reliance Security Services u/s 12(3) of the Industrial Disputes Act. According to the said settlement dated 30-09-2002, the concerned workmen has settled his full and final dues with M/s. Reliance Security Services, i.e. his immediate employer and further declared that he forgoes his claim for reinstatement in service.

That the relationship of employer and employee never existed between the applicants workmen and the Answering Management.

That the applicants' workmen have alleged that their services were terminated on 31-05-1999 whereas the appropriate Government (Central Government) has made the reference order in 2007. Thus, the reference order made by the Government is belated and liable to be quashed on this ground alone.

That the applicants workmen had raised an Industrial dispute alleging wrongful termination of her services by his immediate employer M/s. Reliance Security before the Conciliation Officer appointed by the Government of Haryana and had arrived at a settlement u/s 12 (3), I.D. Act, where at he had received his full and final dues and agreed to forgo his claim for reinstatement. The applicants workmen is stopped from raising the alleged dispute against the Answering management.

The workmen applicants have filed rejoinder. In the rejoinder they have reiterated the averments of their claim statement and have denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

It transpires from perusal of the order sheet that the reference dated 08-08-2007 is regarding termination of Security Guards by the management of BPCL. The Ministry has issued corrigendum dated 21-11-2007 regarding termination of the services of the workmen by M/s. Reliance Security Services Private Limited of BPCL, Piyala. Both the references are considered together.

From the first reference the case is that the services of the workmen were terminated by the management of BPCL. According to the corrigendum reference the services of the workmen were terminated by M/s. Reliance Security Services Private Limited.

From the pleadings of the parties the following issues arise for adjudication:

1. Whether there is master and servant relationship between the management of BPCL and the workmen applicants?
2. Whether the workmen applicants are entitled to reinstatement?
3. To what amount of back wage the workmen applicants are entitled?

ISSUE NO. 1:

It was submitted from the side of the workmen applicants that they were shown to have been engaged by M/s. Reliance Security Services Private Limited but they have been performing their duties under the control and supervision of the management of BPCL at LPG Bottling

Plant, Piyala, Tehsil: Ballabgarh, Faridabad.

The management has terminated illegally and arbitrarily the services of the workmen. There is employer and employee relationship between the BPCL and the workmen applicants and the contract is fake.

It was further submitted that the contractor cannot be engaged for the work of regular and perennial in nature.

It was submitted from the side of the management that the management is required to obtain Security and Surveillance services only from the agencies sponsored by the Directorate General of Resettlement, an autonomous body under the M/o Defence or through a State Ex-Servicemen Corporation or from an Ex-Servicemen Co-operative Society.

It was advised by the M/o Industry that all the PSUs would be required to utilize the services of the DGR of all their securities and surveillance services. That the DGR sponsored M/s. Reliance Security Service Private Limited for providing the surveillance services at the said LPG Bottling Plant of the answering management during the year 1996.

The answering management awarded the contract to M/s. Reliance Security Services Private Limited for the period from 01-07-1996 to 30-06-1998 and subsequently to 30-09-1998 and then up to 30-09-2000.

That M/s. Reliance Security Services Private Limited provided these workmen for security and surveillance purposes. That the relationship of employer and employee never existed between the management and the workman.

That the services of the workmen were not terminated by the management. They were contractor's men and contract of M/s. Reliance Security Services Private Limited came to an end and the services of the workmen were automatically terminated.

The Government sent reference regarding termination of services by the BPCL on 08-08-2007 but it was revised by dated 21-11-2007 regarding termination of the services of the workmen by M/s. Reliance Security Services Private Limited, so at present there are two references one original regarding termination of services by BPCL and another by corrigendum dated 21-11-2007 regarding termination of services of the workmen by M/s. Reliance Security Services Private Limited.

From perusal of the record it transpires that all the workmen have been designated as Gunman, Guard & Assistant Supervisor. The workmen applicants have filed documents on the record WW1/1 to WW1/11 and Mark B, Mark C, Mark D, Mark F & Mark G.

The management witness has admitted that Mr. C. Ahuja, Mr. B.R. Siddharth and Mr. P. Ravi Kumar were in the employment of the corporation but he stated that he

could not identify their signatures. The witness has also stated that he could not identify the signature on WW1/3 and WW1/4.

The management witness has further admitted that the Gate Passes Ex. WW1/8 and WW1/9 are on the stationery of the BPCL but he has stated that he cannot identify the signatures on these documents.

The management witness has further stated that he cannot identify the signatures on Mark B, C, D, F & G. He has stated that the signatures on Mark C and Mark F appear to be his in ID No. 45/2007.

The management witness has further stated that he cannot tell the name of the supervisor but Col. Bhardwaj used to supervise the work who was contractor. This witness has also admitted that no tripartite agreement was made between the management, contractor and the workmen-applicants.

This witness has also admitted that the BPCL made the payment on registers. Document WW1/10 and Mark A, B, C & D are the documents signed by the officers of the management of BPCL.

The management witness has not specifically denied the signatures of the officers on the photocopy documents submitted by the workmen-applicants. These documents disclose the posting of the workmen on different dates. There was no endorsement of denial on the photocopy documents.

The workmen can produce only photocopy documents. The originals are always in possession of the management. MWI has not specifically denied that the management officers have not put their signatures on these documents. The management witness has stated that payment was made by BPCL on registers.

The documents filed by the workmen are Gate Passes and duty charts and these documents have been signed by the officers of the management. These documents reveal that the workmen may have been engaged through contractor but they worked under the control and supervision of the management of BPCL.

It is the case of the management that as per the policy of the Government the DGR provided security-men. The post of DGR has been created to provide services of Ex-Servicemen. These workmen are not Ex-Servicemen. It is admitted to the management that as per the policy decision they were directed by the Government to take security-men from some agencies sponsored by the DGR.

Section 10 of Contract Labour (Regulation & Abolition) Act, 1970 prohibits the employment of contract labour for the work which is perennial in nature and of sufficient duration. In the instant case the security and surveillance work of the management is a work perennial in nature.

It is admitted by the management that after M/ s. Reliance Security Services Private Limited, the DGR has sponsored other Security agency, so the work is perennial and continuous in nature.

It appears that the management has out-sourced the security services. The Gunmen are deputed on the Gate to watch the building. The Security Personnel cannot be supplied by the contractors. The DGR has to sponsor the agencies for engagement of Ex- Servicemen.

It is settled law that in case contractor's men work under the control and supervision of the management and their services are integrated with the management, they will become the employees of the Principal Employer.

In the instant case the services of the workmen are integrated to the management as they guarded their premises and materials.

The Hon'ble Supreme Court in AIR 2001 SC 3527 has held that the industrial adjudicator will have to consider the question whether the contract has been interposed either on the ground of having undertaken to produce any given result for the establishment or supply of contract labour for work of the establishment under the genuine contract or whether it is a mere ruse/camouflage to evade compliance of various beneficial legislations so as to deprive the workers of the benefits thereunder. If the contract is not genuine the alleged contract labour should be treated as the employees of the principal employer who shall be directed to regularize the services of the contract labour in the concerned establishment. In the instant case it is proven fact that the contractors are mere name givers and job lenders. The workmen worked under the control and supervision of the management.

From perusal of this judgment it becomes quite obvious that if a master employs a servant and the servant engages number of persons the employees appointed by the servant will be the employees of the Principal Employer.

It has been held in AIR 1953 SC 404 that if a master employs a servant and authorize him to employ a number of persons to do a particular job and to guarantee their fidelity and efficiency for cash consideration, the employees thus appointed by the servant will be equally with the employer servant of the masters.

In the instant case there is no servant to employ a number of persons. The name of the contractor is fake one. The workmen have been retained in the service of the management since 1996. 13 workmen have been working continuously since 1996.

It has been held In 1997 AIR SCW Page 430 that the industrial adjudicator should decide whether there is valid contract or it is a mere ruse / camouflage and if it is found that the contractor is only a name lender the management should be directed to regularize the workmen. In JT 2003

(1) SC 465 - the Hon'ble Supreme Court has held that industrial adjudication is appropriate remedy for the alleged contract workers.

From perusal of this judgment it becomes quite obvious that the industrial adjudication is the appropriate remedy for deciding whether the contract is fake or not.

In (2000) I SCC 126 - the Hon'ble Supreme Court has held that there are multiple pragmatic approach/factors which should be considered in deciding employer and employee relationship. According to the criteria there should be control and integration. The management has doubtless control over the alleged contractor's men as they work in the establishment of the management. They are integrated to the service of the management. There are no terms and conditions of the contract so there is master and servant relationship. The creation of contract labour is only sham and camouflage and the employer cannot be relieved of his liabilities.

From perusal of this judgment it becomes quite obvious that there should be control and integration.

In Pollock Law of Torts a servant and an independent contractor has been defined as under:

The distinction between a servant and a independent contractor has been the subject matter of a large volume of case-law from which the text-book writers on torts have attempted to lay down some general tests. For example, in Pollock's Law of Torts, (Pages 62 & 63 of Pollock on Torts, 15th Edn.) the distinction has thus been brought out :

"A master is one who not only prescribes to the workman the end of his work, but directs or at any moment may direct the means also, or, as it has been put, retains the power of controlling the work, a servant is a person subject to the command of his master as to the manner in which he shall do his work....An independent contractor is one who undertakes to produce a given result but so that in the actual execution of the work is not under the order or control of the person for whom he does it, and may use his own discretion in things not specified beforehand"

In Salmond's Treaties on the Law of Torts the distinction between a servant and independent contractor has been indicated as under:

"What then, is the test of this distinction between a servant and an independent contractor? The test is the existence of a right of control over the agent in respect of the manner in which his work is to be done. A servant is an agent who works under the supervision and direction of his employer; an independent contractor is one who is his own master. A servant is a person engaged to obey his employer's orders from time to time; an independent contractor is a person engaged to do certain work, but to exercise his own discretion as to the mode and time of

doing it—he is bound by his contract, but not by his employer's orders."

The management retains the power of controlling the work so the workmen are the employees of the respondent/management.

The test regarding independent contractor and intermediaries have been laid down in Hussainabhai, Calicut V. the Alath Factory Thezhilali Union Kozhikode [AIR 1978 SC 1410 (3 Judges)] "the true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers subsistence, skill, and continued employment. If he, for any reason, chokes off, the worker is, virtually, laid off. The presence of intermediate contractors with whom the workers have immediate or direct relationship as contract is of no consequence when, on lifting the veil or looking at the conspectus of factors governing employment, we discern the naked truth, though draped in different perfect paper arrangement, that the real employer is the management, not the immediate contractor. Myriad devices, half-hidden in fold after fold of legal form depending on the degree of concealment needed, the type of industry, the local conditions and the like may be resorted to when labour legislation casts welfare obligations on the real employer, based on Articles 38, 39, 42, 43 and 43-A of the Constitution. The Court must be astute to avoid the mischief and achieve the purpose of the law and not be misled by the maya of legal appearances."

This case law has been affirmed by the Constitution Bench Judgment in Steel Authority of India. In case the security job chokes off, the workmen would be laid off. Such contract is prohibited; it is not a contract for a given result.

My attention was drawn to another Constitution Bench Judgment — Steel Authority of India. It has been held as under:

"Where a workman is hired in or in connection with the work of an establishment by the principal employer through a contractor, he merely acts as an agent so there will be master and servant relationship between the principal employer and the workmen. But where a workman is hired in or in connection with the work of an establishment by a contractor, either because he has undertaken to produce a given result for the establishment or because he supplies workmen for any work of the establishment, a question may arise whether the contract is a mere camouflage as in Hussainabhai Calicut's case (supra) and in Indian Petrochemicals Corporation's case (supra) etc; if the answer is in the affirmative, the workmen will be in fact an employee of the principal employer, but if the answer is in the negative, the workmen will be a contract labourer."

In the instant case the workmen have not been hired in connection with the work of a contractor but they have been hired by the contractor for the work of the respondents. So in the instant case there is contract of service between the principal employer and the workmen. In view of the judgment the workmen become the employees of the management.

The Constitution Bench Judgment of Steel Authority of India is squarely applicable in the instant case. In JT 2001 (7) SC 268 it has been held that "121(5) On issuance of prohibition notification under Section 10 (1) of the CLRA Act prohibiting employment of Contract Labour or otherwise, In industrial dispute brought IOC before it by any contract.

Labour in regard to conditions of service, the industrial adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so-called contract labour will have to be treated as employees of the principal employer who shall be directed to regularize the services of the contract labour in the establishment concerned."

It has been held in this case that whether there is prohibition of contract labour or otherwise the industrial adjudicator will have to consider the question and in case the contract appears ruse and camouflage to evade compliance with various beneficial legislations the so called contract labour will have to be treated as the employee of the principal employer and he shall be directed to regularize the services of the contract workers.

Engagement of contract workers for perennial and regular nature of job is prohibited. The security function is a perennial nature of job. So long as the respondents exists there would be need of security for them, so the work is of existing, continuous and perennial in nature for such work contract workers cannot be employed.

"According to well reorganized definition of contract it is an agreement for a given result. The result should be visible. Contract labourers can be engaged for the work of contractor only and not for the work of any establishment. In the present case the work is of the establishment and not of the contractor. The term supply of labour by a contractor is against human dignity. No one can be a supplier of human labour to any establishment. It is the duty of State to give employment to citizen and not of the contractors. Contractors cannot supply labour to any establishment.

In the instant case the workmen worked under the control and supervision of the management. The management allotted the duty to the workmen on different dates. They were deputed as Gunmen and Guards. They performed their work in the premises of the management of BPCL. It cannot be said that the contractor has engaged these workmen for his own work.

In view of the judgment cited above there is relationship of employer and employee between the management of BPCL and the workmen applicants.

This issue is decided accordingly.

ISSUE No. 2.

Agreement of contract is ruse and camouflage as has been decided in Issue No.1. It makes no difference whether the services of the workmen is terminated by the management or by the agency. The workmen have attended the status of relationship of employer and employee. In the circumstances the termination of services is illegal.

Security Personnel cannot be engaged on contract basis. Security is meant for the defence of a particular building or plant. The management should have engaged recruited regular workmen for security purposes. Defence and Security cannot be out-sourced. In case the relation of employer and employee is established, the termination of services becomes illegal in view of Section 25 F of the ID Act, 1947. The work still exists & other persons have been engaged in place of these workmen. As such the workmen can be reinstated for the work which is performed by the contracting agency.

It has been held in 2008 Lab 1C page 783 by the Hon'ble Apex Court that reinstatement does not mean confirmation.

Direction given for his reinstatement being final such order would not necessarily entitle him to claim benefits of permanency.

In view of the judgement of the Hon'ble Apex Court reinstatement does not imply confirmation/absorption or making permanent. The management cannot dis-engage a workman and take another workman at his place as it would infringe the provisions of Section 25 G & H of the ID Act, 1947.

In the instant case after terminating the services of the concerned workmen, contracting agency has been engaged. The respondent cannot retrench the concerned workmen and engage fresh hands.

The management has illegally removed these workmen and violated the provisions of Section 25 F, G & H of the ID Act, 1947. The work still exists, so the workmen are entitled to reinstatement.

This issue is decided accordingly.

ISSUE No. 3.

It is settled law that payment of back wages having discretionary element involved it is to be dealt with the facts and circumstances of the case. No definite formula can be evolved.

In 1978 Lab IC 1968-three Judges Bench of the Hon'ble Apex Court held that payment of full back wages is the normal rule. In case services have been illegally terminated either by dismissal or discharge or retrenchment, in such circumstances the workman is entitled to full back wages except to the extent he was gainfully employed during the enforced idleness. In the instant case the workman was always ready to work but he was not permitted on account of invalid act of the employer.

In 2005 IV AD SC 39 - three Judges Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified. In this case the workman has performed more than 240 days work and he has been retrenched without payment of compensation and pay in lieu of notice.

The workmen are not employed in any establishment but they are manual workers. They were engaged as Security Guards. They must have been doing some sort of work off and on for their livelihood. In the facts and circumstances they are entitled to 25% back wages.

This issue is decided accordingly.

The reference is replied thus :

The termination of service of S/Shri Khajan Singh, Har Prasad, Prem Chand, Ved Pal, Mahender Singh, Sher Singh, Bhagwat Dayal, Hoshiar Singh, Amar Chand, Shiv Ram, Birpal, Bharat Pal and Sh. Gajraj, Security Guards w.e.f. 31.05.1999 by the management of BPCL is neither just nor legal. The management should reinstate the workmen applicants along with 25% back wages within two months from the date of the publication of the award.

The award is given accordingly.

Date : 23-07-2008 R.N. RAI, Presiding Officer

नई दिल्ली, 4 अगस्त, 2008

का. आ: 2463.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.पी.सी.एल. के प्रबंधरंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या- 6,7, 8,9,10,11/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-08-2008 को प्राप्त हुआ था।

[सं.एल-30012/27/2006-आई आर (एम.),
एल-30012/28/2006-आई आर (एम.),
एल-30012/29/2006-आई आर (एम.),
एल-30012/30/2006-आई.आर. (एम.),
एल-30012/31/2006-आई आर (एम.),
एल-30012/32/2006-आई आर (एम.)]

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 4th August, 2008

S.O. 2463.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No.I.D. Nos.- 6,7,8,9,10,11/07) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of BPCL and their workmen,

which was received by the Central Government on 4-8-2008.

[Nos. L-30012/27/2006-IR(M),
L-30012/28/2006-IR(M),
L-30012/29/2006-IR(M),
L-30012/30/2006-IR(M),
L-30012/31/2006-IR(M),
L-30012/32/2006-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 2nd July, 2008

Present : K. Jayaraman, Presiding Officer

Industrial Dispute Nos. 6,7,8,9,10,11 of 2007

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Bharat Petroleum Corporation Ltd. and their workmen)

S. No.	I.D.No. No.	Reference No. & Date	Name of the I Party	Name of the II Party	Appearance for Workman	Appearance for Respondent
1	2	3	4	5	6	7
1.	6/2007	L-30012/27/2006- IR(M) dated 24-01-2007	Sri N. Ganesan	The DGM (HR) M/s. BPCL Chennai-600040	P.Rajeshwari, G. Ramesh	M/s. T.S. Gopalan & Co.
2.	7/2007	L-30012/28/2006- IR(M) dated 24-01-2007	Sri K. Vadivoo	The DGM (HR) M/s. BPCL Chennai-600040	P.Rajeshwari, G. Ramesh	M/s. T.S. Gopalan & Co.
3.	8/2007	L-30012/29/2006- IR(M) dated 24-01-2007	Sri N. Subbiah	The DGM (HR) M/s. BPCL Chennai-600040	P.Rajeshwari, G. Ramesh	M/s. T.S. Gopalan & Co.
4.	9/2007	L-30012/30/2006- IR(M) dated 24-01-2007	Sri V.S. Ramakrishnan	The DGM (HR) M/s. BPCL Chennai-600040	P. Rajeshwari, G. Ramesh	M/s. T.S. Gopalan & Co.
5.	10/2007	L-30012/31/2006- IR(M) dated 24-01-2007	Sri S. Sudalaimuthu	The DGM (HR) M/s BPCL Chennai-600040	P. Rajeshwari, G. Ramesh	M/s T.S. Gopalan & Co.
6.	11/2007	L-30012/32/2006- IR(M) dated 24-01-2007	Sri S. Paramasivam	The DGM (HR) M/s. BPCL Chennai-600040	P. Rajeshwari, G. Ramesh	M/s T.S. Gopalan & Co.

Appearance

For the Petitioner : P. Rajeshwari, G. Ramesh
For the Management : M/s T.S. Gopalan & Co.

AWARD

The Central Government, Ministry of Labour vide the above order of references referred the IDs mentioned above to this Tribunal for adjudication:

2. The schedule mentioned in the order of reference in the above IDs are as under:

ID 6 of 2007

“Whether the claim of Sri N. Ganesan for reinstatement in service of BPCL, Tuticorin is legal and justified? If so, to what relief the workman is entitled”?

ID 7 of 2007

“Whether the claim of Sri K. Vadivoo for reinstatement in service of BPCL, Tuticorin is legal and justified? If so, to what relief the workman is entitled”?

ID 8 of 2007

“Whether the claim of Sri N. Subbiah for reinstatement in service of BPCL, Tuticorin is legal and justified? If so, to what relief the workman is entitled”?

ID 9 of 2007

“Whether the claim of Sri V.S. Ramakrishnan for reinstatement in service of BPCL” Tuticorin is legal and justified? If so, to what relief the workman is entitled”?

ID 10 of 2007

“Whether the claim of Sri S. Sudalaimuthu for reinstatement in service of BPCL, Tuticorin is legal and justified? If so, to what relief the workman is entitled”?

ID 11 of 2007

“Whether the claim of Sri S. Paramasivam for reinstatement in service of BPCL, Tuticorin is legal and justified? If so, to what relief the workman is entitled”?

3. After the receipt of Industrial Disputes, this Tribunal has numbered it as 6/2007, 7, 8, 9, 10 and 11/2007 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their claims and counter statements respectively.

4. The allegations in the Claim Statement of ID 6/2007 are briefly as follows:

The petitioner was employed as LPG Gas Filling Worker in the Respondent Management in 1993. BPCL has established a LPG Gas Filling Plant at Tuticorin and it had selected 21 employees who having been sponsored by the Employment Exchange as Casual Labourers for the job of gas filling in the LPG cylinders. The job of gas filling is a continuous and continuing one and daily supplies to the ultimate consumers have to be maintained by the Respondent Corporation. Therefore, 15-20 Casual Labourers are engaged apart from their regular employees who do this similar job. Subsequent to his first appointment, the petitioner was being employed on regular basis while he was denied the work for some days in a year by the Respondent. The Respondent want only has not given the work to the petitioner and others continuously even though the work is a continuous one. The Respondent had given periodical break to the petitioner as well as to other Casual Labourers but the Respondent has not given termination letters or ousting orders therefore, they could not renew their names in the Employment Exchange. Because of this action of the Respondent the petitioner as well as other Casual Labourers could not complete 240 days of work in a year. Thus, the Respondent Corporation has indulged in anti-labour practice of allotting them work as limited months of work. While so, the petitioner was denied employment from 23-05-2003 but the Respondent has not given any reason for denial of the work. The Respondent has not following the mandatory provisions of the ID Act before

terminating the petitioner. The petitioner and other Casual Labourers had worked more than 7 years before they were terminated from the service of the Respondent. Therefore, the termination is illegal. The action of the Respondent Management in terminating the petitioner's service without following the procedures established under law is illegal, arbitrary and opposed to Art. 14 & 16 of the Constitution. When the work is permanent and continuously existing, the Respondent adopts unfair labour practice by employing them for some period to deprive permanency. Hence, denying employment is malafide and colourful exercise of powers. It is also violative to the principles of natural justice. After terminating the petitioner and other casual Labourers, now the Respondent is giving job to others who are junior to the petitioner which is against the provisions of the Section 25(H) of the ID Act. Therefore, petitioner prays for reinstatement with backwages and other attendant benefits with continuity of service.

5. As against this, the Respondent in his Counter Statement alleged that the Respondent is engaged in marketing and distribution of petroleum products including Liquefied Petroleum Gas (LPG). It has set up bottling plant at various places where the LPG is received by tankers, is stored. The Tuticorin plant is the 2nd LPG plant in Tamil Nadu. As a Public Sector Undertaking, the Respondent has a codified policy on matters related to employment of persons in its services and a person can enter into the service of the Respondent Corporation only when he is appointed against a post sanctioned by the Corporate Office of the Respondent. Further, all appointments are subject to reservation policy of the Government and there is a procedure for recruitment. No person can enter the service of the Respondent Corporation unless he is appointed in writing against the sanctioned post. When permanent workmen of the Corporation were granted 12 days CL, 10 days Sick leave and 32 days Privilege leave, the Corporation used to engage Casual Workmen against such leave vacancy which is not subject to any regular or fixed pattern. The Respondent Management was maintaining a pool of Casual labourers not exceeding 50 with candidates sponsored from Employment Exchange being included in the pool. In order to ensure that the available opportunities of casual engagement are equitably distributed amongst the empanelled Casual Labourers and at the same time to prevent any scope for any Casual Labour with connivance or collusion getting himself engaged continuously for more number of days with a view to stake a claim for regular appointment at a later date, the Respondent plant has been adopting consistent policy of not engaging casual labour for more than 45 days in a calendar year. The engagement of Casual labourer is contingency/need based and not resorted to as an unfair labour practice or as a cost saving device. The Casual Labourers paid daily rate wages. Such daily rate being calculated the total wages payable to the permanent workmen at the minimum of the scale of the

wage with all other allowances divided by 26. Now with the deployment of some additional workmen to Tuticorin plant and from other plants and due to automation, the need or contingency for engagement of casual Labourer has been reduced. The petitioner and few others Casual Labourers in the Tuticorin plant had nurtured a hope of getting regularized in the services of the Corporation and when they failed in their attempt to get regularization, they have chosen to raise the dispute alleging termination of employment as on 23-05-2003. Since the petitioner was not employed in the service of the Corporation, the question of termination did not arise. The allegation that the petitioner had put in 11 years of continuous service is not true and his engagement as Casual Labourer would not amount to employment in the service of the Corporation. The casual employment was made only on the leave vacancy of permanent workmen and, therefore, they cannot claim any regularization. As per the available records, 176 persons were kept in the casual labour pool at some point of time or other, therefore, the allegation that the Corporation selected only 21 employees from amongst the candidates sponsored by the Employment Exchange is not correct. Only 10 Casual Labourers from the pool will be required to offer themselves for casual engagement during the course of a month depending on the leave vacancy of permanent workman. At no time, the Respondent plant engaged 15-20 labourers casually. It is not true to say that the Respondent Management imposed deliberate embargo to the Casual Labourers. The petitioner was fully aware even when the system of engagement of casual labour was in practice, there was no guarantee of employment nor was any assurance of casual engagement given. This was not a case of termination of employment. Hence for all these reasons, the Respondent prays that the claim may be dismissed.

6. Points for determination ID 6/2007 are:

- (i) Whether the claim of Sri N. Ganesan for reinstatement in the service of the Respondent Management is legal and justified?
- (ii) Whether the claim of Sri K. Vadivoo for reinstatement in the service of the Respondent Management is legal and justified?
- (iii) Whether the claim of Sri N. Subbiah for reinstatement in the service of the Respondent Management is legal and justified?
- (iv) Whether the claim of Sri V.S. Ramakrishnan for reinstatement in the service of the Respondent Management is legal and justified?
- (v) Whether the claim of Sri S. Sudalaimuthu for reinstatement in the service of the Respondent Management is legal and justified?

(vi) Whether the claim of Sri S. Paramasivam for reinstatement in the service of the Respondent Management is legal and justified?

(iA) To what relief the petitioners in these IDs are entitled to?

Point No. I

7. Since in all these cases, the point for considerations are one and the same and the facts and the circumstances are the same, both sides have made an endorsement that all the cases may be tried together and a common award may be passed. Further, they made an endorsement the evidence given in ID 6/2007 may be treated as evidence in all the cases. In view of the endorsement, all the above cases are tried together and a common award is passed.

8. The petitioner in ID 6/2007 was examined as WW1 and on the side of the petitioner EX.W1 to EX.W73 were marked and all the documents marked were applications for acceptance of medical treatment, copies of ESIC, ESI Identity Cards and so on. On the side of the Respondent, one C.H. Vinod, the Territory Co-Ordinator Incharge of LPG plant of the Respondent Management at Tuticorin was examined as MW1 and 15 documents viz. EX. M1 to EX. M15 were marked. According to the petitioner in all the cases, they are 21 Casual Labourers and are members of the Petitioner Trade Union and their job of gas filling is a continuous and continuing one and without which the bottling will not be done by the Respondent Management. While so, the Respondent Management has engaged them as Casual Labourers and they were not given work for more than 45 days in a year, thus, preventing them from not doing the work for 240 days in a continuous period of 12 months and thereby preventing them from getting the benefits of ID Act. Thus, the action of the Respondent Corporation giving periodical break to the petitioner in all the cases is only to evade them from giving permanent status. This action of the Respondent is an anti-labour practice and is opposed to the provisions of the ID Act. The learned counsel for the Petitioner contended that the work of filling up the gas in the bottling plant is a continuous job which is perennial in nature. The denial of the Respondent Management by not giving continuous job to the labourers is opposed to all the provisions of the ID Act. They have want only done this to prevent them from getting the benefits and further contended that all of a sudden the Respondent terminated the services of the petitioners and, therefore, the petitioners are entitled for reinstatement. The learned counsel for the Petitioner further contended that it is admitted by the Respondent Management that the petitioners and others are working continuously from 1996, under such circumstances, without following the provisions of Section 25(F) of the ID Act is illegal and, therefore, termination is void ab initio. But as

against this, the Respondent contended the Respondent is a Public Sector Undertaking. They have got regular procedure for appointment of its staff members, therefore, no person can get entry into the service of the Respondent Management unless he is appointed in writing against the sanctioned post thereby no one can get entry through backdoor by reason of his services having been utilized in some capacity of the other under various contingencies which might have necessitated his engagement for a few or more days. The petitioner and other Casual Labourers were employed in the Respondent Corporation only on leave vacancy. The regular employees are entitled to get 12 days Casual Leave, 10 days, Sick Leave and 32 days Privilege Leave in a year. Only when a permanent workman is on leave, the Respondent Corporation used to engage Casual Workman against such leave vacancy which is not subject to any regular or fixed pattern. The Respondent Corporation is maintaining a pool of Casual Labourers not exceeding 50 with candidates sponsored by Employment Exchange. In order to ensure that the available opportunities of casual engagement are equitably distributed among the empanelled Casual Labourers and at the same time to prevent any scope for any casual labourer with connivance or collusion get himself engaged continuously for more number of days with a view to stake a claim for regular employment at a later date, the Respondent Management has been adopting consistent policy of not employing Casual Labourers for more than 45 days in a calendar year. By adopting this method, it cannot be said that the Respondent Management is practicing unfair labour practice. Every month based on serial number, 10 Casual Labourers in the panel will be sent intimation so as to make himself available for casual engagement depending on the leave vacancy arising on any date in the course of a month. Further, the Respondent Management has not assured the Casual Labourers any work on a day. Only when there is vacancy on account of leave of the permanent employee, the casual employees will be engaged and they were paid daily wage which being calculated on the total wages payable to the permanent workman at the minimum of the scale of the wage with all allowances divided by 26. If really the casual employees were employed in the regular post, they could not have been get the minimum wage as per the regular employees. It is further contention of the Respondent, subsequent to the opening of the Tuticorin plant, another LPG plant was opened at Gummidiipundi near Chennai in 1997 and yet another was opened in Thanjavur in 2001. Further, the operations in some of the plants were automated resulting in reduction of strength of permanent workmen, therefore, with the deployment of some additional workmen to Tuticorin plant and due to automation the need or contingency for engagement of Casual Labourer had ceased by March 2005. Therefore, the Respondent Management has stopped engaging Casual Labourers. Now, the petitioner was, engaged as Casual Labourer but

he was not engaged for more than 45 days in a year. The petitioner have also admitted that there is a streamlined system in the engagement of casual labourers which is scrupulously observed. It is also clear from the document produced by the petitioner that the Respondent Management has called 10 Casual Labourers at a time for casual engagement which was sent by the Respondent Management through telegram and other sources. Only with a fond hope for getting regularized in the Respondent Corporation, the petitioner and few other casual labourers have filed a writ before the High Court on the wrong advice of some persons but subsequently they have withdrawn and raised this dispute for reinstatement. In this case, since the petitioners were not in employment of the Respondent Corporation and, therefore, engagement is only casual engagement. It cannot be said that the petitioners in all the cases were terminated by the Respondent Management. The learned counsel for the Respondent further contendcd that the engagement of petitioner and other Casual Labourers for 45 days cannot be stated as anti-labour practice adopted by the Respondent Corporation. The norm of maximum engagement of 45 days in a year was more intended to ensure that nobody should get into regular employment of the Corporation with the connivance or collusion or through backdoor entry. Even the Supreme Court in Uma Devi's case, 2006 4 SCC 1 held "any public employment has to be in terms of the constitutional scheme. The Central and State Governments have made acts, Rules and Regulations for implementing the guarantees provided under Arts. 14, 16, 309, 315, 320 and 355 and any recruitment to service in the Union, States or their instrumentalities is governed by such Acts, Rules and Regulations. The Constitution does not envisage any employment outside this constitutional scheme without following the requirements set down therein" and further observed "public employment temporary, contractual, casual, daily wage or *ad hoc* employees appointed *de hors* the constitutional scheme of public employment. Long continuance of such employees on irregular basis in public employment is in violation of the Arts. 14 & 16. They cannot claim that they are discriminated against vis-a-vis those who have been regular recruited on the basis of relevant rules or claim to be treated on a par with the latter". Therefore, the petitioner and other casual employees were employed only in leave vacancy and they have not completed 240 days in a continuous period of 12 months preceding to their disengagement. Under such circumstances, it cannot be said that the Respondent Management has violated the provisions of the ID Act. In this case, since the petitioners are not employed in the service of the Respondent, they are only casually employed in the leave vacancy and there is no sanctioned post for regularization of the petitioners and further due to the non-availability of casual employees, the Respondent Management has not appointed any casual employees after 2005 and as such the request of the petitioner for

reinstatement cannot be considered at any stretch of imagination. I find much force in the contention of learned counsel for the Respondent because in this case, the petitioners have not been appointed to any regular post, they were appointed as Casual Labourers in the leave vacancy, no doubt there is no document to show that they were appointed only in the leave vacancy but the burden of proving that they have worked for more than 240 days in a continuous period of 12 months is upon the petitioner and others. The petitioners themselves have admitted that they worked only for 45 days in a year in all these days and, therefore, it cannot be said that the Respondent Management has contravened the provisions of the I.D. Act. I find much force in the contention of the learned counsel for the Respondent that since the petitioners were not employed in the service of the Corporation, there was no termination of employment. Further, there is no proof that the petitioners were terminated from 23-05-2003. The petitioners themselves have put an imaginary date that they have been disengaged from 23-05-2003 and there is no proof or satisfactory evidence that they have been terminated from 23-05-2003. Further, the learned counsel for the Respondent argued that WW1 in his evidence has categorically stated in the cross-examination that they want permanent employment in the Respondent Management and they are not asking for casual employment which is not their case in the Claim Statement. Therefore, the petitioners are not entitled to any relief in this case. I find much force in the contention of the learned counsel for the Respondent as such I find this point against the petitioners.

Point No. 2

The next point to be decided in this case is to what relief the petitioners are entitled?

9. In view of my foregoing findings that the claim of the petitioners is not legal and justified, I find the petitioners are not entitled to any relief in all these cases.

10. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 2nd July, 2008)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:—

For the I Party/Petitioner : WW1 Sri N. Ganesan

For the II Party/Management : MW1 Sri C.H. Vinod

Documents Marked :—

On the petitioner's side

Ex.No.	Date	Description
		1 2 3
Ex.W1	-	Application for Acceptance for Medical Treatment
Ex.W2	25-02-1999	Employees State Insurance Corporation.
Ex.W3	09-04-1999	Ex-gratia payment for the year 1997-98
Ex.W4	12-06-1981	Employment Registration Card
Ex.W5	24-04-1997	ESI Identity Card
Ex.W6	24-09-1992	ESI Corporation (ESIC-37)
Ex.W7	02-07-2004	Petitioner filed his rejoinder
Ex.W8	06-02-1997	Receipt of the Identity Card
Ex.W9	21-05-1998	Respondent Management sent telegram to the Petitioner
Ex.W10	06-02-1997	ESI Identity Card
Ex.W11	04-01-2000	2(K) petition filed by the Petitioner's Trade Union (AICCTD)
Ex.W12	20-09-2000	Petitioner's rejoinder filed by the Trade Union (DLCP)
Ex.W13	08-03-2000	Respondent Management filed Demand for equal employment before the Ass'tt. Labour Commissioner
Ex.W14	22-08-2000	Minutes of Conciliation Proceeding for Termination
Ex.W15	19-12-2000	-do-
Ex.W16	21-11-2000	-do-

Ex.W17	02-07-2004	Respondent Management filed before the Asstt. Commissioner of Labour	Ex.W35	03-05-2005	VA Ramakrishnan filed a petition before the Asstt. Commissioner of Labour for Casual labour
Ex.W18	26-04-1996	BPC given to letter to the petitioner K. Vadivoo	Ex.W36	19-04-2000	BPC given to letter V.A. Ramakrishnan
Ex.W19	23-07-1984	Petitioner's employment card	Ex.W37	27-10-2001	-do-
Ex.W20	21-05-1996	ESI Card of K. Vadivoo	Ex.W38	29-11-2005	Rejoinder filed by V.A. Ramakrishnan
Ex.W21	27-08-1997	ESI Card of K. Vadivoo	Ex.W39	01-05-1995	ESI Identity Card OP (Form-4) V.A. Ramakrishnan
Ex.W22	14-08-1998	-do-	Ex.W40	18-05-1997	BPC Manager sent to telegram to V.A. Ramakrishnan
Ex.W23	-	Rejoinder of K. Vadivoo	Ex.W41	04-05-1997	BPC given to telegram to the petitioner V.A. Ramakrishnan Medical Bill.
Ex.W25	31-05-1996	Failure report given by the Asstt. Commissioner of Labour	Ex.W42	-	V.A. Ramakrishnan Medical Bill
			Ex.W43	19-04-2000	Letter given by BPC to Ramakrishnan
Ex.W26	-	Rejoinder of N. Subbiah	Ex.W44	19-07-1997	-do-
Ex.W27	30-07-1996	BPC given letter for ex-gratia to N. Subbiah	Ex.W45	01-05-1995	ESI of A. Ramakrishnan
Ex.W28	28-08-1996	-do-	Ex.W46	26-05-1998	Acknowledgement Card
Ex.W29	19-07-1997	-do-	Ex.W48	23-04-2005	Telegram given to V.A. Ramakrishnan
Ex.W30	27-02-1996	ESI Card of N. Subbiah	Ex.W49	10-03-1995	by BSCNL
Ex.W31	09-10-1997	-do-			BPC given to letter to Sudalaimuthu S.
Ex.W32	16-05-1995	-do-	Ex.W50	23-05-1998	Petition given letter to Respondent (BPC)
Ex.W33	30-11-1994	Employment Card of N. Subbiah	Ex.W51	20-04-1995	BPC given to telegram to S. Sudalaimuthu
Ex.W34	13-01-1994	Employment card given to Intimation letter to the petitioner	Ex.W52	23-05-1981	-do-

Ex.W53	21-08-1981	Employment Card of Sudalaimuthu	On the Management's side		
Ex.W54	21-10-1992	Employment Exchange given letter to the Petitioner	Ex.No.	Date	Description
Ex.W55	31-03-1993	-do-			Circular from BPCL, Madras to their depots informing rates of wages to Casuals.
Ex.W56	17-11-1993	-do-	Ex. M1	20-07-1993	Internal note of BPCL in respect of engagement of casuals
Ex.W57	29-03-1995	Seal by BPC in ESI			
Ex.W58	30-07-1996	BPC given to the petitioner	Ex.M3	08-01-1994	Letter from BPCL, Tuticorin LPG Plant to District Educational Officer, Korampallam
Ex.W59	19-07-1997	-do-			enclosing copy of list of candidates sponsored by DEO's list dated 17-11-1993 with remarks of BPCL on their selection.
Ex.W60	31-01-1998	-do-			Requisition form from BPCL, Tuticorin to Employment Exchange requesting to sponsor candidates for post of Casuals/Leave Relief.
Ex.W61	19-04-2000	-do-			Letter from District Employment Office to BPCL, Tuticorin enclosing list of candidates.
Ex.W62	--	Rejoinder of the petitioner			Letter from BPCL, Tuticorin to District Employment Officer, Koraiapallam returning the list dated 13-01-1994 furnishing their remarks on their selection.
Ex.W63	16-05-2000	BPC filed reply before the Asstt. Commissioner of Labour	Ex. M4		Order of High Court, Madras in WP No. 5844/98 and WMP No. 9110 to 9111/98
Ex.W64	28-06-2006	BPC filed Counter before the Asstt. Commissioner of Labour			Letter from Ministry of Petroleum to Director BPCL, Mumbai enclosing copy of letter of A. Dhantayani.
Ex.W65	--	Rejoinder of Paramasivam	Ex.M5	13-01-1994	
Ex.W66	08-10-1997	ESI Card of S. Paramasivam			
Ex.W67	30-06-1996	ESI Card of S. Paramasivam	Ex.M6	16-06-1994	
Ex.W68	13-01-1995	BPC given to Telegram to S. Paramasivam			
Ex.W69	03-07-1984	Petitioner's employment card			
Ex.W70	01-04-1996	ESI Card of S. Paramasivam	Ex. M7	24-04-1998	
Ex.W71	26-02-1996	BPC given to letter of petitioner Mr. S. Paramasivam	Ex.M8	09-11-1999	
Ex.W72	18-08-1999	ESI Form I-B of S. Paramasivam			
Ex.W73	01-03-2003	ESI of Mr. S. Paramasivam			

नई दिल्ली, 5 अगस्त, 2008

का.आ. 2464.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 239/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-8-2008 को प्राप्त हुआ था।

[सं. एल-12011/76/2001-आई.आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 5th August, 2008

S.O. 2464.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. 239/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure, in the Industrial dispute between the management of Punjab National Bank, Regional Office and their workmen, received by the Central Government on 4-8-2008.

[No. L-12011/76/2001-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH

Case No. I.D. 239/2001

The President, Punjab National Bank Workers Union (NZ), EG 810-A, Mohalla Gobindgarh, Jalandhar (Punjab).

—Applicant

Versus

The Senior Regional Manager, Punjab National Bank, Regional Office, Rohtak

—Respondent

APPEARANCES

For the workman : None

For the management : None.

AWARD

Passed on 24-7-2008

Central Government *vide* notification No. L-22011/76/2001 IR(B-II) dated 18-6-2001, has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Punjab National Bank represented by the Senior Regional Manager, Punjab National Bank, Rohtak in denying payment of Overtime Allowance to the employees posted at Branch Office, Bainsi of the bank for

working on 24-4-1999 which was declared as holiday under Negotiable Instrument Act by the State Government of Haryana, is fair, just and legal ? If not, to what relief the employees are entitled to?”

2. No one is present, on behalf of workman.. Since morning this reference has been called number of times. At 10.45 am, it was ordered to be placed before this Tribunal once again at 2 pm. It is 2.30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2001. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution. Central Government be informed accordingly. File to be consigned to record.

Chandigarh 24-7-2008

G.K. SHARMA, Presiding Officer

नई दिल्ली, 6 अगस्त, 2008

का.आ. 2465.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टिट्यूट लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, नागपुर के पंचाट (संदर्भ सं. 51/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2008 प्राप्त हुआ था।

[सं. एल-42012/39/2007-आईआर(डीयू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th August, 2008

S.O. 2465.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Central Mine Planning and Design Institute Ltd., and their workmen which was received by the Central Government on 6-8-2008.

[No. L-42012/39/2007-IR(DU)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING
OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR.

Case No. 51/2007

Date 22-7-2008

The Regional Director, Central Mine Planning and Design Institute Limited, Regional Institute-IV, Kasturba Nagar, Jaripatka, Nagpur-14.

--Party No. 1

Versus

1. The Chairman-cum-Managing Director, Central Mine Planning and Design Institute Limited Gondwana Place, Kankee Road, Ranchi-834 008.

2. The Secretary,

National Coal Organization Employees Association, CMPDI, Jaripatka, Nagpur

—Party No.2

AWARD

The Central Government after satisfying the existence of disputes between the Regional Director, Central Mine Planning and Design Institute Limited, Regional Institute-IV, Kasturba Nagar, Jaripatka, Nagpur-14, Party No.1 and the Chairman-cum-Managing Director, Central Mine Planning and Design Institute Limited Gondwana Place, Kankee Road, Ranchi-834 008 and the Secretary, National Coal Organization Employees Association, CMPDI, Jaripatka, Nagpur, Party No. 2, referred the same for adjudication to this Tribunal *vide* its letter No. L-42012/39/2007-IR(DU) dt. 7-9-2007 under clause (d) of sub-section (1) and sub section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule:

(2). “Whether the action of the management of Central Mine Planning and Design Institute Ltd. in terminating the services of their workman Shri Santosh Bapurao Shirpurkar w.e.f. 31-8-2004 is legal and justified? If not, to what relief the workman is entitled to?”

(3). The Petitioner has raised the dispute challenging his termination w.e.f. 31-8-2004. On receipt of the above Order from the Ministry of Labour and Employment, New Delhi, the notices were served on both the parties. Accordingly, they appeared, out of which the Respondent has applied seeking time for filing a Written Statement while Petitioner alongwith his counsel appeared and file pursis informing that he does not want to proceed with the reference and he has requested to dispose of the Petition. Accordingly, the reference is disposed of for want of prosecution. It stands as rejected. Hence, this no dispute award.

A.N. YADAV, Presiding Officer

नई दिल्ली, 6 अगस्त, 2008

का.आ. 2466.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबंद्ह नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पचाट (संदर्भ सं. 57/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2008 को प्राप्त हुआ था।

[सं. एल-40012/29/1994-आईआर(डीयू)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th August, 2008

S.O. 2466.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 57/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Department of Telecom, and their workmen, which was received by the Central Government on 06-8-2008.

[No. L-40012/29/1994-IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. 57/2002

Date 18-07-2008

Shri Ramkrishna Bajirao Thalal, R/o Ladaji,
PO: Pimpalagaon, Tah-Bramhapuri,
Dist. Chandrapur (M.S.)

Party No.1

Versus

The Sr. Asstt. Engineer, Telecom, Railway Electrification, Project Circle, Plot No. 46, Bajaj Nagar, Nagpur (M.S.).

Party No.2

AWARD

The Central Government after satisfying the existence of disputes between Shri Ramkrishna Bajirao Thalal, R/o Ladaji, PO: Pimpalagaon, Tah-Bramhapuri, Dist. Chandrapur (M.S.) Party No.1 and the Sr. Asstt. Engineer, Telecom, Railway Electrification, Project Circle, Plot No. 46, Bajaj Nagar, Nagpur (M.S.), Party No. 2 referred the same for adjudication to this Tribunal *vide* its letter No. L-40012/29/94-IR (DU) dt. 4-8-1995 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of ID Act, 1947 (14 of 1947) with the following schedule:

2. “Whether the action of the management of Asstt. Engineer RE Project, Chandrapur in terminating the service of Shri Ramkrishna Bajirao Thalal, Casual Labour without charge sheet and enquiry is justified or not? If not, to what relief the workman is entitled to?”

3. The reference has come for hearing on 05-06-2008. The petitioner was absent, though his counsel was present. The Respondent's counsel was also present. The perusal of record indicates that the Petitioner right from 10-3-2006. He has already filed the statement of claim due to his absent. The case could not proceed further. On the contrary, it indicates that the Petitioner has no interest in prosecuting the reference. The Petitioner might have even settled the matter, but his absence indicates that he has no interest. Naturally, there are no reasons to keep the reference pending though the Petitioner is not taking the interest.

and attending the Court. Hence, the reference is disposed off for the default of the Petitioner it stands as dismissed. Hence, this no dispute award.

A.N. YADAV, Presiding Officer

नई दिल्ली, 6 अगस्त, 2008

का.आ. 2467.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एन. एल. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण चैन्सी के पंचाट (संदर्भ सं. 122/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2008 प्राप्त हुआ था।

[सं. एल-22012/41/2005-आईआर(सी.एस.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th August, 2008

S.O. 2467.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 122/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, as shown in the Annexure, in the Industrial dispute between the management of Neyveli Lignite Corporation Limited, and their workmen, received by the Central Government on 06-8-2008.

[No. L-22012/41/2005-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Friday, the 27th June, 2008

Present: K. Jayaraman, Presiding Officer

Industrial Dispute No. 122/2005

[In the matter of the dispute for adjudication under clause(d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Neyveli Lignite Corporation Ltd. and their workman]

Between

Sri S. Balasubramanian

1st Party/Petitioner

And

The Director (Personnel)

M/s. Neyveli Lignite Corporation Ltd.

Neyveli

2nd Party/Respondent

APPEARANCE

For the Petitioner Sri S. Murugavel, Advocates

For the Management M/s. N.A.K. Sarma, Advocates

AWARD

The Central Government, Ministry of Labour vide its Order No. L-22012/41/2005 [IR(CM-II)] dated 01-12-2005 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the management of NLC Ltd. in terminated the services of Sri S. Balasubramanian with effect from 19-06-2002 is legal and justified? If not, to what relief he is entitled to?"

2. After the receipt of the Industrial Dispute, this Tribunal has numbered it as ID 122/2005 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows:

The petitioner was joined in the Respondent Corporation as Asstt. Manager/Industrial Canteen on 12-08-1983. Subsequently, he was posted as Junior Sales Officer, Selection Grade on 01-12-1999. While working as such he was constrained to go on leave on 24-04-2001 to treat his wife at Vellore. The petitioner's wife was suffering from psychiatric problems. Because of the continuous treatment given to the petitioner's wife, his two daughters had to discontinue their studies for about one year. The petitioner explaining his family situation used to send leave letters either, through post or through his, persons to Deputy General Manager (Marketing). After little bit of recovery in the health condition of his wife, the petitioner reported to duty on 31-05-2002 but he was not allowed to sign in the Attendance Register nor was he permitted to do the work. When he approached the Corporate office, it was informed to him that he had been removed from service. The petitioner was not served any show cause notice or charge memo or notice of enquiry. The highest punishment of termination of service has been imposed upon him without any due enquiry. Therefore, the punishment alleged to have been passed against by the Respondent Management is unilateral, arbitrary, vindictive and in violation of principles of natural justice. The Respondent Management has taken a lenient view against one Mr. Vaidyanathan and one Ramesh who did not report for duty for several years and they were permitted to join duty without even any minor punishment. One Pandarinathan who contested in the General Election, which is against the Conduct Rules of NLC has been permitted to join duty. One Mr. Andagurunathan who resigned from the post was allowed to rejoin the Corporation subsequently. Therefore, the treatment given to the petitioner is in discrimination and the major punishment imposed by the Respondent Management is not proportionate to the alleged misconduct alleged against the petitioner, therefore, he prays this Tribunal to reinstate him service with continuity of service, backwages and all other attendant benefits.

4. As against this, the Respondent in his counter Statement alleged that the Respondent is a Public Sector Enterprise having its own set of rules and regulations applicable to various categories of employees. Though, the workmen are governed by NLC Certified Standing Orders the service condition of Supervisors, Officers and Executives are governed by NLC Employees (Conduct) Rules and NLC Employees (Control and Appeal) Rules. The post of junior Sale Officer, Selection Grade is a responsible position and it is placed in Executive Scale (E-1). Since the petitioner was placed in Executive scale, he was not covered by the definition Workman as defined in Section 2(s) of the Industrial Disputes Act. Therefore, the petitioner is not entitled to any relief under Section 2(A) or any other provision of ID Act. Anyhow, the petitioner was on unauthorized absence from 24-2-2001 and no leave had been sanctioned by the Respondent Authorities. It is not correct to say that the petitioner was submitting leave letters with valid reasons regularly. The petitioner has admitted that he has left the Headquarters without obtaining prior specific permission from the authorities. Since the petitioner was occupying a responsible position, his absence had dislocated the functioning of the said department. The absence for more than one year is definitely a grave misconduct. The enquiry against the petitioner has been conducted in a fair and proper manner affording him all reasonable opportunities to defend himself. As he has not attended the enquiry, the Enquiry Officer had no other option except to proceed with the enquiry ex parte. The Disciplinary Authority after following due formalities imposed the penalty of removal from service on the petitioner by his order dated 26-3-2002. All these communications at various stages of the disciplinary action was sent to his last known address in Neyveli Township and to his permanent address as recorded in the service records. The punishment was imposed on him only after following procedures laid down in NLC Employees (Control and Appeal) Rules. The punishment imposed on the petitioner is justifiable and fair as unchecked indiscipline among higher grade employees would be detrimental to the very fabric of the Respondent Corporation. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. Points for determination are:

- (i) Whether the action of the Respondent Management in terminating the service of the petitioner is legal and justified?
- (ii) If not to what relief the petitioner is entitled to?

Point No.1

6. In this case the petitioner has admitted that he was absent from 24-4-2001 whereas his absence is an unauthorized one authorized one is in dispute. The petitioner though marked 22 documents, he has not established through any of the above documents to prove

that he has applied leave for the period and it was rejected or sanctioned to him. Further, it is admitted by the petitioner that he has not given any leave address in his application. He further admitted that he has not obtained any permission to leave the Headquarters. Though he want to create a sympathy of the Management that his wife was suffering from psychiatric problem and he has produced documents Ex. W1 to Ex.W4, the medical record issued to his wife. By that, no one can infer that his wife was affected by psychiatric problem and required treatment was given to her. It is the petitioner to prove that he has sent leave letters and it was acknowledged by the Respondent Management and the Respondent Management neither rejected nor sanctioned the leave. In this case as I have already stated that the petitioner has not established the fact that has periodically sent leave letters to the Respondent Authorities and it was acknowledged by them. Though, the petitioner alleged that no show cause notice, no charge memo and no notice of enquiry was served to him, the Respondent Authorities has produced document to show the steps taken by them and they have followed the procedure laid down under NLC Conduct Rules. It is also clear from the record produced by the Respondent that all the communications sent to the petitioner were returned on the ground that he was "not found". Since the petitioner himself has admitted that he has not given any change of address or leave address to the Authorities, we cannot expect the Respondent Authority to enquire the correct address of the petitioner from others. Therefore, the allegation of the petitioner that enquiry was conducted against him without proper enquiry and without following the rules of natural justice are without any substance. The next contention of the petitioner is that there is a discrimination in treatment among the employees of the Respondent Management in imposing the punishment for long absence. He alleged one Mr. Vaidyanathan and Mr. Ramesh who did not report to duty for several years were permitted to join duty without any minor punishment. Though, the petitioner alleged that Mr. Vaidyanathan and Ramesh were on unauthorized absence for many years, there is no satisfactory evidence that Vaidyanathan and Ramesh were employees of the Respondent Authorities and were on unauthorized absence for a long period and it is also not established that their unauthorized absence was condoned by the Respondent Authorities without any punishment. Similarly, the petitioner alleged certain other things that one Mr. Pandarinathan and Andagurunathan who have acted against the Conduct Rules have subsequently been permitted to join duty without any punishment. He has not produced any satisfactory evidence to substantiate this contention, therefore, I find there is no point in the allegation of the petitioner that there is a discrimination among the treatment given to the employees. The next contention for the learned counsel for the petitioner is that the imposition of punishment of dismissal from service is not proportionate to the

misconduct alleged against the petitioner. But here again I find that there is no point in the contention of the petitioner because according to the NLC Rules, even one day unauthorized absence is serious. In this case, the petitioner was absent for more than one year without any authority and he has also left the place of Headquarters without any authorization, under such circumstances, it is a grave misconduct and, therefore, this Tribunal cannot interfere in the imposition of punishment made by the Respondent Authorities and I find there is no point in the contention that the punishment imposed on the petitioner is grossly disproportionate to the alleged offence against him.

7. The learned counsel for the Respondent further contended since the petitioner is placed in Executive scale (E-1), he has got higher responsibility and he is not covered by the definition of Workman as defined by Section 2(s) of the ID Act and, therefore, the petitioner is not entitled to any relief under Section 2(A) or any other provision of the ID Act. But on the other hand, the learned counsel for the petitioner argued that even the witness examined on the side of the Respondent has clearly admitted the petitioner worked as Junior Sales Officer and no one was working under him as employees. Further, he has stated that the petitioner has no powers to disburse the salary to the employees and he has no powers to grant leave to any of the employees. Only the Chief General Manager and Deputy General Manager are the authorities to disburse salaries and sanction of leave to the employees. The learned counsel for the petitioner further argued that the petitioner's job as Junior Sales Officer and the same is Officer category, he was doing only the clerical work and he has not supervised any work of the employee of the Respondent Management or sanctioned any leave to the employees, under such circumstances merely because he was called Junior Sales Officer, it cannot be said that ID Act is not applicable to the petitioner as workman. I find much force in the contention of the learned counsel for the petitioner in this regard. Therefore, I find the petitioner is only a workman and not an Officer or Executive as such I find ID Act is applicable to the petitioner.

8. Though, I find that the ID Act is applicable to the petitioner, but, in this case I am not inclined to find the action taken against the petitioner is illegal. Since the petitioner was on unauthorized absence for more than one year, I find the action taken against the petitioner is legal and justified and I am also of the opinion that the punishment imposed on him is just and proper. As such, I find this point against the petitioner.

Point No. 2

The next point to be decided in this case is to what relief the petitioner is entitled?

9. In view of my foregoing findings that the action taken by the Respondent Management in terminating the services of the petitioner is legal and justified, I find the

petitioner is not entitled to any relief.

10. Thus, the reference is answered accordingly.

(dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 27th June, 2008).

K. JAYARAMAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner	WW1 Sri N. Balasubramanian
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For the 2nd Party/Management	MW1 Sri R. Panchatcharar
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Documents Marked :

On the petitioner's side

Ex. No.	Date	Description
Ex. W 1	—	Medical Book issued by Neyveli Lignite Corporation Government Hospital to Valarmathy
Ex. W 2	—	Medical Book issued by Neyveli Lignite Corporation Government Hospital to Valarmathy
Ex. W 3	—	Medical records issued by Pondicherry JIPMER Hospital to Valarmathy
Ex. W 4	24-9-1997	Prescription sheet issued by Dr. Thiagarajan to Valarmathy
Ex. W 5	—	+2 Original Mark Sheet of Shailajhaa.
Ex. W 6	—	Statement of marks issued by University of Madras to Shailajhaa
Ex. W 7	—	Mark Sheet issued by Jawahar School Neyveli to Sahana
Ex. W 8	—	Report Sheet issued by Jawahar School Neyveli to Sahana
Ex. W 9	23-4-2001	Handwritten copy of leave letter addressed to Dy. General Manager, Marketing Neyveli by petitioner
Ex. W 10	15-6-2001	Handwritten copy of leave letter addressed to Dy. General Manager, Marketing Neyveli Lignite Corporation, Neyveli by the petitioner
Ex. W 11	— (Series)	Copy of permission requested by the petitioner in writing addressed to Director/Personnel NLC
E. W 12	—	Representation submitted by the petitioner to Asstt. Labour Commissioner (C-II), Chennai.

Ex. W.13	Xerox copy of counter submitted by NLC Management before Asstt. Labour Commissioner, Chennai
Ex. W.14 to —	Conciliation proceedings took place between the petitioner and NLC Management before the Asstt. Labour Commissioner, Chennai
Ex. W.19	
Ex. W.20	Failure report pertaining to conciliation proceedings forwarded by Asstt. Labour Commissioner to Ministry of Labour & Govt. of India
Ex. W.21	Copy of the appeal submitted by the petitioner to Secretary to Govt. of India, Ministry of Labour, New Delhi
Ex. W.22 01-12-2005	Xerox copy of the order passed by Ministry of Labour, New Delhi to the petitioner

On the Management's side

Ex. No.	Date	Description
Nil		नई दिल्ली, 6 अगस्त, 2008

का.आ. 2468.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यूसी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर, के पंचाट (संदर्भ सं. 91/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2008 को प्राप्त हुआ था।

[सं. एल-22012/405/1996-आईआर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th August, 2008

S.O. 2468.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. 91/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of WCL, and their workmen, received by the Central Government on 6-8-2008.

[No. L-22012/405/1996-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE SHRI A. N. YADAV PRESIDING OFFICER
CGIT-CUM-LABOUR COURT, NAG PUR.**

Date 22-07-2008

Case No.91/2003

Shri Balku Amin

Through: The General Manager,

Lalzanda Coal Mines Mazdoor Union (CITU)

C/o WCL Head Quarter Coal Estate, Civil Lines, Nagpur

—Party No.1

Versus

The Sub-Area Manager, Sillewara
Sub Area of WCL, Nagpur

—Party No.2

AWARD

The Central Government after satisfying the existence of disputes between Shri Balku Amin, through: The General Manager, Lalzanda Coal Mines Mazdoor Union (CITU), C/o WCL Head Quarter Coal Estate, Civil Lines, Nagpur, Party No.1 and the Sub-Area Manager, Sillewara Sub Area of WCL, Nagpur, Party No. 2, referred the same for adjudication to this Tribunal vide its letter No. L-22012/405/1996-IR(C-II) dt. 2-9-1997 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947(14 of 1947) with the following schedule:

2. "Whether the action of the management of Sillewara Sub-Area of Nagpur Area of Western Coalfields Ltd. in dismissing Shri Balku Amin, General Mazdoor of Walni Mine, from service w.e.f. 5-2-1994 is legal and justified? If not, to what relief is the workman entitled and from which date?"

3. The Petitioner has raised the dispute challenging the dismissal from the service. He was while working in the second shift on 6-12-1993 entered in the cabin of his Sr. Personnel Officer Shri Mallika Arjun Rao and after closing the door of the cabin, misbehaved with him under the influence of liquor. One of his companion Shri Rajendra Harichand was also with him and they both even assaulted the Sr. Personnel Officer. Consequently, after enquiry he was dismissed, which is challenged by the Petitioner by raising dispute. On receipt of the Order from the Ministry of Labour and Employment, New Delhi, the notices were issued to both the parties. They appeared. The Petitioner filed statement of claim. However, at the stage of submitting evidence, he remained absent. His counsel is also not attending the case from the month of July, 2006. In fact, right from the first date, the Petitioner is not turning to Court. It indicates that he has no interest in proceeding with the reference. In the circumstances, there are no reasons to keep the reference pending waiting for the evidence of the Petitioner. In such circumstances, the reference is dismissed for default of the Petitioner. It stands as dismissed. Hence, this no dispute award.

A. N. YADAV, Presiding Officer

नई दिल्ली, 6 अगस्त, 2008

का.आ. 2469.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नेवेली लिमाइट कापोरेशन लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैररी के पंचाट (संदर्भ सं.

37/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2008 को प्राप्त हुआ था।

[सं. एल-22012/241/2005-आईआर(सी.एम.-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th August, 2008

S.O. 2469.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. 37/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, as shown in the Annexure, in the Industrial dispute between the management of Neyveli Lignite Corporation and their workmen, received by the Central Government on 6-8-2008.

[No. L-22012/241/2005-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer
ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Wednesday, the 9th July, 2008

Present: K. Jayaraman,
Presiding Officer

Industrial Dispute No. 37/2006

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Neyveli Lignite Corporation Ltd. and their workmen]

BETWEEN

The General Secretary
NLC Workers Solidarity Union Neyveli
—1st Party/Petitioner
And
The Director (Personnel)
Neyveli Lignite Corporation Ltd., Neyveli
—2nd Party/Respondent

APPEARANCE

For the Petitioner M/s. D. Hariparanthaman
For the Management M/s. N.A.K. Sarma

AWARD

The Central Government, Ministry of Labour vide its Order No. L-22012/241/2005-IR(CM-II) dated 30-06-2006 referred the following Industrial Dispute to this Tribunal for adjudication.

- The schedule mentioned in that order is :
- “Whether the demand of NLC Workers Solidarity Union for parity of scale of pay of S/Shri S. Rajamohan and

P. Srinivasan at the time of their appointment as Sportsman with the pay of other workmen appointed as sportsman is legal and justified? If yes, to what relief they are entitled?”

2. After the receipt of the Industrial Dispute, this Tribunal has numbered it as ID 37/2006 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows:

The Respondent is a Public Sector Undertaking and the Petitioner Union is a Trade Union registered under Trade Union Act. The Respondent in order to promote the name and goodwill of their Corporation at the State level, National level and International level during the 1985 constituted a separate and independent board called “Sports Control Board”. After its formation, the Respondent Corporation appointed number of persons with high skill and talent in various sports and games. Those persons who are appointed were mainly to give them further training and improvement in the respective sports and games and to involve them in the respective sports and games and other tournaments organized and conducted at the State, National and International level respectively. Further, the Respondent Management issued Office Order regarding category, designation and scales of pay to Sportsmen based on technical and academic qualifications. Persons with higher qualification were given higher designation with higher scale of pay. Thus, there were 8 categories/groups and scale of pay for sportsmen with one or more designation in each group. During the year 1985, there were 12 scales of pay. The non-technical Sportsmen/Women at the induction level were brought under Scale-V i.e. Rs. 615-16-775-17-945 scale. As per the such order, persons with SSLC/Degree were given the above scale at the induction level. But unfortunately for the persons appointed in the year 1985 as Sportsmen/Women, the Respondent Corporation fixed them in Rs. 550-11-715-15-885 scale at the time of their initial appointment which was not even applicable to ITI holders, in total contravention of the manual and office order regarding list of categories and the scale of pay for Sportsmen. Thus, the Respondent Corporation fixed the scale of pay which is not at all applicable to Sportsmen category in the year 1987. During that period, a total of 22 persons were appointed as Sportsmen, but out of 22, only 2 persons were fixed in Rs. 615-16-775-17-945 scale and the remaining 20 persons were given only Rs. 550-11-715 scale. This scale is coming under Scale-I applicable to IW-Grade II workmen belonging to labour category. The minimum scale fixed for Sportsmen belonging to ITI category was Rs. 595-14-735-15-885. Thus, the 20 workmen cannot be deprived of their lawful and legitimate scale in contravention of the manual and the office order. After 1985, there were three wage revisions w.e.f. 01-01-1987

01-01-1992, 01-01-1997 respectively. The Sportsmen appointed in batches between 1985 and 1990 were all kept under excluded category upto the year 1996 and they were kept as Sportsmen without specific designation as given to other regular staff. Therefore, they have no promotional opportunity till 1996. However, as per time-bound promotional scheme for isolated category, the Sportsmen category were given promotion with the same designation but with higher scale of pay at the end of 7 years, 12 years and 16 years respectively. Thus, the Sportsmen appointed in the year 1987 have got only two time bound promotions in the year 1994 and in the year 1999. The 20 workmen appointed in the sportsmen category and inducted in scale IW-I were moved to Rs. 580-12-700-13-830 (Scale-III, W-3). After the second time-bound promotion whereas the Sportsmen appointed in 1987 and inducted in Rs. 615-16-775-17-945 scale were moved to Rs. 635-17-805-21-1015 (Scale-VI, W-6) and Rs. 675-19-782-21-1083 (Scale-VII, W-7) after first and second time bound promotion respectively. Further, during 1998, the Respondent Corporation effected cadre change for Sportsmen and the concerned employee Sri S. Rajamohan, PF No. 32247 and P. Srinivasan who were the workmen concerned in this dispute were given posted as Assistant (Time-keeping). The above 20 affected Sportsmen including the two workmen concerned made a series of individual representations in this regard in addition to the representations made through various Unions and through the Joint Council of Unions continuously. Even though the Sr. Sports officer recommended to rectify the mistake in giving scale to 20 Sportsmen appointed in 1987 and recommended to give them Rs. 615 scale from the date of their appointment, no final decision was taken on the same. Hence, the Petitioner Union took up their cause and raised an Industrial Dispute in this case. The Respondent Corporation was bound to give the scale of pay of Rs. 615-16-775-17-945 to the workmen concerned viz. Sri S. Rajamohan and P. Srinivasan as per the manual and office order regarding scales of pay. The right to receive appropriate scale in accordance with the rules is a fundamental right, therefore, the Corporation cannot say and contend that as a workmen concerned have accepted the scale given to them at the time of their appointment. Hence, the Petitioner Union prays this Tribunal to pass an award holding that the demand of the Petitioner Union as legal and justified and consequently direct the Respondent Corporation to give Rs. 615-16-775-17-945 to the workman concerned with effect from the date of their appointment with consequential benefits together with interest @ 18% per annum.

4. As against this, the Respondent Corporation in its Counter Statement alleged that the Petitioner Union has no locus-standi to raise this dispute as the said Union is not having representative character. This dispute is also barred by delay and laches. The relief of parity in scale of pay by the workmen from the date of appointment is barred by delay. The concerned employees accepted the

appointment in the scale of pay as then granted and having received subsequent promotion and fixation of pay on such basis apart from the delay, the claimants are also barred by estoppel from claiming the relief. Since the selection and appointment are dependent upon the proven track record, educational qualification and the potential of the sports persons, they were initially appointed not uniformly in one scale of pay, they were assessed as per norms fixed for the purpose. Likewise Sri S. Rajamohan and P. Srinivasan, the concerned employees were offered appointment in 1987 in the scale of pay of Rs. 550-11-715, therefore, having accepted this offer of appointment and joined the duty, it is impermissible for them to now demand that they ought be placed in higher scale of pay or to be accommodated in another level of post. Further, it is neither permissible nor practicable to equate at the induction level of all sports persons irrespective of their proven record, potential, etc. The status of NLC Sports Control Board permitted and contemplated appointing sports persons in different scales of pay depending upon their proven capability and potential. Hence, the concept of equal pay with all other sports persons does not arise at all. Therefore, the grievance made out by the Petitioner Union is without merits and deserves to be rejected. The scale of pay at induction level is determined not solely on educational qualification. Anyhow it is true that out of 22 persons considered for selection and appointment as sports persons in the year 1987 based on assessment and their proficiency and potential, two were offered appointment in the scale of pay of Rs. 615-16-775-17-945 and the remaining were offered appointment in the scale of pay of Rs. 550-11-715. Even though the status of NLC Sports Control Board contemplated different scales of pay, it also empowered the Chairman to fix the scale of pay depending upon their proficiency and potential. There has been no mistake or error in appointing the concerned employees in the scale of pay of Rs. 550-11-715. The concerned workmen were silent all along and did not raise any issue for over 15 years. In this case, based on the recommendations of various Selection Committees, the Chairman had discretionary powers to placing in higher or lower grade depending upon their sports attainment and the same discretion was applied in a number of cases on merit including the cases of two workmen for whom the Petitioner Union raised the dispute. The provision in the constitution of Sports Control Board printed in the Personnel Manual as regards to placement in various time scales based on academic achievements is only a guideline and it has to be read in tandem with the norms related to sports merit and the discretionary powers conferred on the Chairman to consider placement on appropriate scales. In this case, as the Committee had observed that the performance of the 20 candidates inclusive of Sri S. Rajamohan and P. Srinivasan viz. the concerned employees had fallen short of required standards, they were recommended for placing in a lower scale of Rs. 550-11-715 and the recommendations

were approved by the Chairman viz. Competent Authority. It is not correct to say that as per the constitution of Sports Control Board, the minimum scale is only Rs. 595-14-735. The career growth of sports persons is not an issue involved in this Industrial Dispute and the career growth depends upon the level in which the workmen gets inducted. Further, there is no issue to deal with further promotions as alleged by the Petitioner Union. Hence the grievance whatever the said 20 workmen had could not be redressed as their appointment in the lower scale when compared to others was justified due to their below performance in sports trials during the process of selection and such placement in lower scale was based on the recommendation of the Selection Committee which was duly approved by the Chairman. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. Points for consideration are:

- (i) Whether the demand of the Petitioner Union for parity of scale of pay to Sri S. Rajamohan and P. Srinivasan at the time of their appointment as Sportsmen with the pay-scale of other workmen appointed as Sportsmen is legal and justified?
- (ii) To what relief the concerned workmen are entitled?

Point No. 1

6. The admitted case in this dispute is that the concerned employees viz. Sri S. Rajamohan and P. Srinivasan were selected in the sports quota alongwith 18 other persons in the year 1987. It is also admitted fact that prior to 1987 and subsequent to 1987, the persons who have been selected under sports quota have been fixed in the scale of pay as mentioned in the manual wherein 8 categories/groups and scales of pay is mentioned. It is also admitted fact that the petitioner was fixed in the scale of pay of Rs. 550-11-715-15-885 which scale of pay has not been mentioned in the manual for Sportsmen. The petitioner admitted that out of 20 persons who have been selected in the year 1987, only 2 persons were given Rs. 615-16-775-17-945 scale and others were fixed only in the scale of Rs. 550-11-715 scale. The Selection Committee has not given any reason for fixing a new scale which is not mentioned in the manual and, therefore, it is not valid. Therefore, the Union raised the dispute to direct the Respondent Management to fix the scale of pay at Rs. 615-16-775-17-945 to the concerned employees and also consequent relief.

7. As against this, the Respondent contended that the scale of pay was determined on the basis of sports proficiency and potential of the employee. In this case, the scale of pay was fixed based on the sports capacity and potential of the respective individuals. Further, some of them were offered one increment at the time of induction itself, and, therefore, the Petitioner Union cannot question the same after a lapse of 18 years. The Sports Control Board which was constituted by the Management but only on the basis of the Selection Committee, all the 20 persons were offered appointment by the Respondent Management. The concerned employees viz. S. Rajamohan and P.

Srinivasan were among 2 of the 20 persons so applied. Since the scale of pay was fixed based on the sports capacity and potential of the respective individuals, the Petitioner Union cannot question the same. Further, the scale of pay is based on the evaluation and recommendation of the separately constituted Sports Selection Committee and since such recommendation has been approved by the Chairman-cum-Managing Director as per the N.I.C Sports Manual, the Petitioner Union cannot question the authority of the Selection Committee. It is further argued that the selection and appointment are dependant upon the proven track record, educational qualification and the potential of the sports persons, only on such basis they were initially appointed, not uniformly in one scale of pay as in the case of normal inductees. Further, the proven ability and potential of the candidates were assessed as per norms fixed for the purpose. Thereupon, depending upon these factors and educational qualification, appointments were offered to the selected sports persons in different scales of pay and Ms. S. Rajamohan and P. Srinivasan viz. the concerned employees were offered appointment in 1987 in the scale of pay of Rs. 550-11-715 and after having accepted the offer of appointment and joined the duty, it is impermissible for them to now demand that they ought placed in higher scale of pay or to be accommodated in another level of post. It is further argued that both of them had no justification to complain or raise an dispute in as much as if they were not satisfied to the scale of pay offered or felt it to be less than what they think they should have been, they need not have accepted the appointment and having accepting in the scale of pay, they cannot dispute the same after a long lapse of time i.e. 18 years in which they have also received promotions and increments based on such sporting scale of pay. The learned counsel for the Respondent further relied on the ruling reported in 1990 1 SCC 305 DALPAT APPASAHEB SOLUNKE AND OTHERS VS. DR. B.S. MAHAJAN AND OTHERS wherein the Supreme court while considering scope of judicial review with regard to appointment and selection has stated “it is not the function of the Court to hear appeals over the decisions of the Selection Committee and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular to post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The Court has no such expertise. In the present case the University had constituted the committee in due compliance with the relevant statutes. The committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so-called comparative merits of the candidates as assessed by Court, the High Court went wrong and exceeded its jurisdiction”. Relying on this decision, the learned counsel for the Respondent contended that in this case the Management constituted Sport Selection Committee, the said Committee conducted the interview and after the interview the Committee has recommended the scale of pay for the selected Sportsmen, under such circumstances, the petitioner who alleged that the Committee has no powers to fix a different scale other than mentioned in the manual

cannot question the same. Even at the time of selection they can question the same but they waited for more than 18 years and now raised a dispute questioning the Selection Committee's powers of fixation of the scale of pay which is deprecated by the Hon'ble Supreme Court.

8. As against this, the learned counsel for the petitioner contended that neither the Petitioner Union nor the concerned employees have questioned the selection made by the Sports Selection Committee. On the other hand the Sports Manual which mentioned the scales pay for the candidates and, therefore, the Selection Committee has no independent power to vary the scale of pay as mentioned in that manual. Though, it is alleged that they have recommended for a different scale of pay and it was approved by the Chairman of the NLC but when they have made a rule, they cannot go beyond the rule as such this judgement relied on by the learned counsel for the Respondent is not applicable to the facts of the case. In this it is clearly admitted that the Sports Manual have clearly stated 8 categories of Sportsmen to be selected and they have also fixed the scales of pay to be given to the 8 categories, under such circumstances, the Selection Committee can only do selection and not to fix the scale of pay than the scale of pay fixed by the manual. Under such circumstances, the fixation made by the Selection Committee is unjustified and it is not legal. I find much force in the contention of the learned counsel for the petitioner because though it is alleged that under Ex.M2 it is mentioned that the 20 candidates who have been selected for the sports viz. Weightlifting/Body-building/Gymnastics/Karate while considering their attainments/skills, the Committee recommended that they be selected but placed in a lower scale of pay of Rs. 550-11-715 as applicable to IWU-Gr.-II and the basic pay of all of them may be fixed at Rs. 550-11-715, but, it is not mentioned how they have fixed this scale when the manual has not given any scale of pay in Rs. 550-11-715. Further, the Respondent Authorities have not produced any document to show that the Selection Committee has got powers to fix the pay lower than the scale of pay mentioned in the manual. Further, it is clear from the record produced by the petitioner that in respect of 1987, prior to this year and also subsequent to this year, the persons who have been selected on Sportsmen quota have been fixed only, in the 8 categories of scale of pay mentioned in the manual, therefore, though the Selection Committee has got the power to select the candidate after going through their record and performance, I am of the firm opinion that the Selection Committee has no powers to fix the different scale of pay than mentioned in the Sports Manual.

9. Then again, the learned counsel for the Respondent contended that the present dispute is also barred by delay and latches. The Petitioner Union prays for the relief of parity with effect from the date of appointment i.e. 1987 and the concerned employees having accepted the appointment in the scale of pay as fixed by the Selection Committee as then granted and having received subsequent promotions and fixation of pay on such basis, apart from the delay the claimants are also barred by estoppel from claiming the relief. On that ground also, the

ID is not maintainable and deserves to be dismissed. Again the learned counsel for the Respondent contended that the Petitioner Union has no locus-standi to raise this Industrial Dispute as the said Union is not having representative character. In the recent election, the Petitioner Union had polled only 103 votes constituting less than 1 % of the total strength viz. 14001 workmen in the secret ballot for identifying the sole bargaining agent held on 28-02-2008 and on that ground also the dispute is liable to be dismissed.

10. As against this, the learned counsel for the petitioner argued the workmen concerned who were selected and appointed alongwith 18 others and the workmen who were appointed before and after the appointment of the concerned employees were all not selected and appointed based on their earlier track record in respective games or sports but only on their good physique and medical fitness. Further, at the time of interview the Selection Committee simply verified their records as to their Educational Qualification and certificates if any with regard to their participation in games and/or sports. They did not conduct any test to assess their games or sports skill at the time of interview. Hence, the note in EX.M2 have been put up by Selection commission with regard to fixation of the scale based on performance is without any substance and it is also not correct. In any event, the Selection Committee has no power to fix the scale that too contrary to the rules. The concerned employees made several representations about the wrong fixation and their scale at the induction itself and that was why the issue was taken up for rectification of mistake in fixation of scale committed at the time of appointment and note was also drafted and put up for approval viz. Ex.W6. In the said note, EX.W6, it is clearly mentioned that the fixation was wrongly made and fixed at Rs. 550/- scale instead of Rs. 615/- scale and the note also recommended to fix the scale of the concerned employees at Rs. 615/- from the date of their appointment as per the rules but any how the matter was not materialized but on that score it cannot be said the Selection Committee has got power to fix a different scale than that of the scales mentioned in the Sports Manual. Further, the power given to the Chairman of the Sports Control Board was the power to fix the persons in appropriate higher scale in tune with their Educational Qualification and in accordance with the scales of pay fixed for Sportsmen as mentioned in the rules and there is no power to fix in lower pay contrary to the rules. Further, it does not vest any power on the Chairman to fix, any scale which was not contemplated or fixed for Sportsmen at all. The Chairman can give or fix the scale only in accordance to the rules and not otherwise. Therefore, fixing the scale of pay at Rs. 550 for the concerned employees was contrary to the rules, therefore, the contention of the learned counsel for Respondent is without any substance.

11. He further argued that there was no estoppel or acquiescence or delay on the part of the concerned employees and they have been taking up and pursuing the issue continuously and they have also been pressurizing the matter through almost all the Unions. Furthermore, there cannot be any estoppel or waiver against the rules. When

the rules have clearly stated about the fixation of the scale of pay, the Selection Committee or the Chairman cannot fix a different scale of pay. Under such circumstances, the argument that the claim was barred by delay and lapse is without any substance. The learned counsel for the petitioner further relied on the ruling reported in 1999 6 SCC 82 AJAIB SINGH Vs. SIRHIND CO-OP MARKETING-CUM-PROCESSING SERVICE SOCIETY LTD. AND ANOTHER wherein the Supreme Court while considering whether the matter was affected by delay and lapse has held "even in cases of proved delay, relief can be moulded by declining whole or part of the back wages in view of seven years long delay in seeking reference to the dispute regarding termination of service, Supreme Court, although upholding the Labour Court's award for reinstatement and permitting continuity of service, limiting the back wages from the date of issuance of notice of demand till the date of Labour Court's award to 60% and awarding full back wages only for the succeeding period". In that case the Labour Court held "Seeking reference is not subject to limitation under Art. 137 of the Limitation Act and the Punjab High Court has prescribed a limitation period of five years for seeking a reference or making a submission under Section-33(C)(2) which was rejected by the Hon'ble Supreme Court and the Hon'ble Supreme Court has stated that the Punjab High Court, has exceed its jurisdiction for fixing a period of limitation". The learned counsel for the petitioner further argued when the persons selected in the year 1985 and also persons who have been selected subsequent to 1987 were fixed at the pay scale of Rs. 615 when that being so, the persons who have been selected in the year 1987 alone with fixed in a lower scale and he relied on the ruling reported in 1986 1 LLJ 134 DHIRENDRA CHAMOLI Vs. STATE OF UP wherein the Supreme Court has held "employees engaged as casual worker on daily wage basis, performing identical work as Class-IV employees of Nehru Yuval Kendras are entitled to same salary and allowances like the employees on regular basis and acceptance on the part of casual employees to get daily wages and not the same wages as regular employees is no answer to the constitutional guarantee under Article-14" and relying on this decision, the learned counsel for the petitioner argued that even though it is alleged by the Respondent that the concerned employees who were selected for the sports quota have accepted the scale of pay and though they have received the salary as fixed by the Selection Committee and they have also got the promotion as fixed by the Corporation and as such they cannot question the fixation of pay initially and, therefore; they cannot question the same, since the Supreme Court has held 'this is not an answer, to the constitutional guarantee under Article-14 and therefore, this Tribunal has got powers to refix the scale of pay as per the Sports Manual.

12. I find much force in the arguments for the learned counsel for the petitioner because in this case though it is alleged by the Respondent Management that after accepting the scale of pay fixed by the Selection Committee approved by the Chairman of the NLC, they cannot question

the fixation after a long lapse of 18 years, I find since the fixation itself is without any power, this Tribunal has got every power to fix the scale of pay as per the Sports Manual and rules framed under which mentioned 8 categories of Sportsman. As such, I find this point in favour of the Petitioner Union.

Point No. 2

The next point to be decided in this case is to what relief the concerned employees are entitled?

13. Though, I find the fixation of pay made by the Respondent Authorities with regard to concerned employees is not correct and they have to fix the scale of pay as Rs. 615-16-715-17-945, I find the concerned employees have received wrong fixation of scale of pay for the past 18 year's and they received the pay fixed by the Respondent Authorities even at the promotion and only the petitioner union has raised this dispute in the year 2006 and, therefore, even though the pay has to be refixed as Rs. 615-16-715-17-945, the monetary effect is to be given only from the date of raising of the dispute.

14. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 9th July, 2008)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:

For the I Party/Petitioner WW1 Sri S. Rajmohan
WW2 Sri M. Selvaraj

For the II Party/ Management MW1 Sri P. Sankararaj

Documents Marked:

On the Petitioner's side

Ex. No.	Date	Description
Ex.W1	12-04-85	Appointment issued to one Sh. G. Murugan appointing him as Sportsman.
Ex.W2	15-07-85	Order issued to one Sh. A. Parasan who has studied SSLC as Sportsman (Chest) in Rs. 615-6-775-17-945 scale.
Ex.W3	24-03-88	Appointment order issued to one Sh. K.G.Raja who has studied Plus 2 (+2) as Sportsman (football) in Rs. 615-16-775-17-945 Scale.
Ex.W4	17-06-85	Order issued by the II party redesignating the sportsman with post graduation as senior Assistant (sports) and others as Junior Assistant (Sports).
Ex.W5	—	Relevant portion of the personnel Volume II regarding sports activities in NLC and the scales of pay for Sportsman.

Ex.W6	—	Office Note put up by the II party agreeing to upgrade the scale of pay to the sportsmen appointed during 1987 to Rs. 59 scale.	Ex.W29	—	Chart showing the name and other details of Sportsman printed by the II party.
Ex.W7	27-08-92	Representation given by NLC Workers Progress Union to remove the disparity in the scale of pay for sportsman.	Ex.W30	—	Chart showing the scale of pay and re-grouping of scales of pay as per the settlements.
Ex.W8	01-04-93	Representation given by the Joint Council of Unions to remove the disparity in the scale of pay for Sportsman.	Ex.W31	—	Comparative Chart with regard to scales of pay given to workmen concerned and other Sportsman.
Ex.W9	19-08-93	Representation given by the Joint Council of Unions to remove the disparity in the scale of pay for Sportsman.	Ex.W32	June 06	Pay slips pertaining to Mr. Ismail and Govindarajulu.
Ex.W10	01-09-95	Circular issued by the II party regarding revised pay scales and other benefits payable as per the settlement dated 26-08-95.	Ex.W33	July 06	Pay slips pertaining to Mr. Ismail and Govindaraj.
Ex.W11	08-09-97	Circular issued by the II party regarding promotion policy to sportsman.	Ex.W34	—	New items covering the prize/ award given to S. Rajmohan was in one of the two sportsmen concerned in the dispute.
Ex.W12	06-07-98	Placement order issued to Mr. Rajmohan, as per the promotion policy.	Ex.W35	—	Certificates issued to S. Rajmohan before joining NLC.
Ex.W13	01-07-99	To pay fixation order issued by the II party to S. Rajmohan.	Ex.W36	—	Certificates issued to S. Rajmohan after joining NLC.
Ex.W14	11-09-98	Redesignation and pay fixation order issued to Srinivasan	Ex. W37.	19-01-07	Application made by the General Secretary of the I party to the II party under right to Information Act.
Ex.W15	17-07-98	Pay fixation order issued to one Mr. Govindarajulu.	Ex. W38.	07-02-07	Order issued by the II party.
Ex.W16	—	Comparative Chart with regard to the scale of pay.	Ex. W39.	02-06-07	Reply given by the II party to S. Rajmohan.
Ex.W17	25-09-03	Representation given by NLC Workers Progressive Union to give Rs. 615-16-775-17-845 scale to the Sportsman including the two workmen commission from the date of induction.	Ex. W40.	22-03-96	Registration Certificate issued to the Ist Party Union.
Ex.W18	18-08-04	Reply given by the II party to the workmen concerned.	Ex. W41	04-01-05	Subscription receipt issued by the Ist party Union to Sri S. Rajmohan.
Ex. W19	20-08-04	Reply given by the II party to the workmen concerned.	Ex.W42	04-01-05	Subscription receipt issued by the Mr. P. Srinivasan.
Ex. W20	30-10-04	Complaint given by P. Srinivasan to the Labour Enforcement Officer.	Ex.W43	27-05-87	Appointment Order of S. Rajmohan.
Ex.W21	17-01-05	Reply given by the II party before the Labour Enforcement Officer.	Ex.W44	27-05-87	Appointment Order of P. Srinivasan.
Ex.W22	21-02-05	Letter from the II party to Mr. P. Srinivasan.	On the Management side		
Ex.W23	23-03-05	Letter from the II party to Mr. P. Srinivasan.	Ex.No.	Date	Description.
Ex.W24	30-03-05	Dispute raised by the first party Union before the ALC Central.	Ex.M1	18-01-86	Proceedings of the selection Committee for the selection of Sportsman/Cricket.
Ex.W25	18-05-05	Counter/Remarks filed by the II party.	Ex.M2	08-05-87	Proceedings of the Selection Committee for the selection of Sportsman/Weight-lifting, Bodybuilding, Gymnastics and Karate.
Ex.W26	30-05-05	Rejoinder/Reply filed by the I party before the ALC.	Ex.M3	08-05-87	Internal Note regarding selections Appointment Order of Sportsman with Annexure.
Ex.W27	23-8-05	Reply to the rejoinder filed by the II party.	Ex.M4	27-05-87	Appointment Order to:
Ex.W28	29-08-05	Failure report	Ex.M5	28-05-87	1. K.R. Govindarajan 2. M. Joshuva 3. T. Gridharan
			Ex.M6	08-09-87	Sportsman/Women Promotion Policy.

नई दिल्ली, 6 अगस्त, 2008
का.आ. 2470.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 48/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2008 को प्राप्त हुआ था।

[सं. एल-12012/55/2007-आईआर(बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 6th August, 2008

S.O. 2470.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.48/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 06-08-2008

[No. L-12012/55/2007-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI A.N. YADAV PRESIDING OFFICER, CGIT-CUM -LABOUR COURT, NAGPUR.

Case No. 48/2007

Date 22-07-2008

Shri M.N. Mudiraj,

81, Guruprasad Nagar, Gajanan Society, Datta Wadi, Amravati Road, Nagpur (M.S.)

Party No. 1

Versus

The Regional Manager,

Central Bank of India, Regional Office, Akola, PO/Tq & Dist. Akola (M.S.)

Party No. 2

AWARD

The Central Government after satisfying the existence of disputes between the Shri M.N. Mudiraj, 81, Guruprasad Nagar, Gajanan Society, Datta Wadi, Amravati Road, Nagpur (M.S.) Party No. 1 and the Regional Manager, Central Bank of India Regional Office, Akola, PO/Tq & Dist. Akola (M.S.), Party No.2 referred the same for adjudication to this Tribunal vide its letter No. L-12012/55/2007-IR(B-II) dt. 23-08-2007 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following Schedule:

(2). “Whether the action of the management of Central Bank of India, through its Regional Manager, Regional Office, Akola (MS) in awarding the punishment of

compulsory retirement from service inflicted upon Shri M.N. Mudiraj, an Ex-Armed Guard of Central Bank of India, w.e.f. 11-05-2004 is legal and justified? If not, to what relief the workman is entitled to?”

(3). The petitioner has raised the dispute challenging the punishment of compulsory retirement from the service w.e.f. 11-05-2004. On receipt of the Order from the Ministry of Labour and Employment, New Delhi, the notices were issued to both the parties. They appeared, the Respondent Management sorted time for filing Written Statement. However, the Petitioner did not turn right from the first date. Thus, he is not attending the court from 13-11-2007 and has not filed any statement of claim. In the circumstances, there are no reasons to keep the reference pending waiting for his statement of claim, though near about year has been elapsed. In such circumstances, the references dismissed for default of the Petitioner. It stands as dismissed. Hence, this no dispute award.

A.N. YADAV, Presiding Officer

नई दिल्ली, 6 अगस्त, 2008

का.आ. 2471.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी.आई. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चैन्सी के पंचाट (संदर्भ संख्या 45/2006; 46/2006; 47/2006; 52/2006; 54/2006; 55/2006; 57/2006; 58/2006; 59/2006; 62/2006; 63/2006; 64/2006; 65/2006; 69/2006; 70/2006; और 71/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-08-2008 को प्राप्त हुआ था।

[संख्या एल-22012/140/2005-आईआर(सीएम-II),

एल-22012/156/2005-आईआर(सीएम-II)

एल-22012/157/2005-आईआर(सीएम-II)

एल-22012/166/2005-आईआर(सीएम-II)

एल-22012/168/2005-आईआर(सीएम-II)

एल-22012/169/2005-आईआर(सीएम-II)

एल-22012/183/2005-आईआर(सीएम-II)

एल-22012/184/2005-आईआर(सीएम-II)

एल-22012/185/2005-आईआर(सीएम-II)

एल-22012/188/2005-आईआर(सीएम-II)

एल-22012/189/2005-आईआर(सीएम-II)

एल-22012/190/2005-आईआर(सीएम-II)

एल-22012/191/2005-आईआर(सीएम-II)

एल-22012/195/2005-आईआर(सीएम-II)

एल-22012/196/2005-आईआर(सीएम-II)

एल-22012/197/2005-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th August, 2008

S.O. 2471.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. Nos. 45/2006; 46/2006; 47/2006; 52/2006; 54/2006; 55/2006; 57/2006; 58/2006; 59/2006; 62/2006; 63/2006; 64/2006; 65/2006; 69/2006; & 71/2006 of the Central Government Industrial Tribunal-cum Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India and their workmen, received by the Central Government on 6-8-2008.

[No. L-22012/140/2005-IR(CM-II), L-22012/156/2005-IR(CM-II)

L-22012/157/2005-IR(CM-II), L-22012/166/2005-IR(CM-II)

L-22012/168/2005-IR(CM-II), L-22012/169/2005-IR(CM-II)

L-22012/183/2005-IR(CM-II), L-22012/184/2005-IR(CM-II)

L-22012/185/2005-IR(CM-II), L-22012/188/2005-IR(CM-II)

L-22012/189/2005-IR(CM-II), L-22012/190/2005-IR(CM-II)

L-22012/191/2005-IR(CM-II), L-22012/195/2005-IR(CM-II)

L-22012/196/2005-IR(CM-II), L-22012/197/2005-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, CHENNAI

Monday, the 23rd June, 2008

Present: K. Jayaraman, Presiding Officer

Industrial Dispute Nos. 45, 46, 47, 52, 54, 55, 57, 58, 59, 62, 63, 64, 65, 69, 70, 71 of 2006

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Food Corporation of India and their Workmen)

S. No.	I.D. No.	Reference No. & Date	Name of the I Party	Name of the II Party	Appearance for Workman	Appearance for Respondent
1	2	3	4	5	6	7
1.	45/2006	L-22012/140/2005 [(IR(CM-II)] dated 27-02-2006	Sri K. Palaniappan	1. Sr. Regional Manager Food Corporation of India Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri S. Vaidyanathan, ADL	Mr. M. Imthias
2.	46/2006	L-22012/156/2005 [(IR(CM-II)] dated 20-7-2008	Sri G. Ramalingam	1. Sr. Regional Manager Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	M/s S. Sathiyamurthy and R. Gowthaman	Sr. M. Imthias
3.	47/2006	L-22012/157/2005 [(IR(CM-II)] dated 20-07-2006	Sri I. Rama	1. Sr. Regional Manager Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sr. S. Vaidyanathan, ADL	Mr. M. Imthias

1	2	3	4	5	6	7
4.	52/2006	L-22012/166/2005 [(IR(CM-II)] dated 20-07-2006	Sri K. Ramakrishnan	1. Sr. Regional Manager, Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Mr. S. Vaidyanathan, ADL	Mr. M. Imthias
5.	54/2006	L-22012/168/2005 [(IR(CM-II)] dated 20-07-2006	Sri K. Kesavel	1. Sr. Regional Manager Food Corporation of India Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Mr. S. Vaidyanathan,ADL	Mr. M. Imthias
6.	55/2006	L-22012/169/2005 [(IR(CM-II)] dated 20-07-2006	Smt. S. Lakshmi	1. Sr. Regional Manager Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri S. Vaidyanathan, ADL	Mr. M. Imthias
7.	57/2006	L-22012/183/2005 [(IR(CM-II)] dated 20-07-2006	Sri M. Nagamuthu	1. Sr. Regional Manager Food Corporation food India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri. S. Vaidyanathan ADL	Mr. M. imthias
8.	58/2006	L-22012/184/2005 [(IR(CM-II)] dated 20-07-2006	Sri. V. Perumal	1. Sr. Regional Manager Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri. S. Vaidyanathan, ADL	Mr. M. Imthias
9.	59/2006	L-22012/185/2005 [(IR(CM-II)] dated 20-07-2006	Sri. V. Srinivasan	1. Sr. Regional Manager Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri. S. Vaidyanathan, ADL	Mr. M. Imthias
10.	62/2006	L-22012/188/2005 [(IR(CM-II)] dated 20-07-2006	Sri. K. Kelu Nair	1.Sr. Regional Manager Food Corporation of India, Chennai-6 2. The District Manager Food Corporation of India, Chennai-31	Sri. S. Vaidyanathan, ADL	Mr. M. Imthias

1	2	3	4	5	6	7
11.	63/2006	L-22012/189/2005 [(IR(CM-II)] dated 20-07-2006	Sri.G. Kothandaraman	1. Sr. Regional Manager Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri. S. Vaidyanathan, ADL	Mr. M. Imthias
12.	64/2006	L-22012/190/2005 [(IR(CM-II)] dated 20-07-2006	Sri. B. Rathinavel	1. Sr. Regional Manager, Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri. S. Vaidyanathan, ADL	Mr. M. Imthias
13.	65/2006	L-22012/191/2005 [(IR(CM-II)] dated 20-07-2006	Sri. A. Natarajan	1. Sr. Regional Manager Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri. S. Vaidyanathan, Mr. M. Imthias	
14.	69/2006	L-22012/195/2005 [(IR(CM-II)] dated 20-07-2006	Sri. V. Muniyandi	1. Sr. Regional Manager, Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri. S. Vaidyanathan, ADL	Mr. M. Imthias
15.	70/2006	L-22012/196/2005 [(IR(CM-II)] dated 20-07-2006	Sri. C. Aji	1. Sr. Regional Manager Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri. S. Vaidyanathan, ADL	Mr. M. Imthias
16.	71/2006	L-22012/197/2005 [(IR(CM-II)] dated 20-07-2006	Sri. V. Kaliammal	1. Sr. Regional Manager Food Corporation of India, Chennai-6 2. The District Manager, Food Corporation of India, Chennai-31	Sri. S. Vaidyanathas, ADL	Mr. M. Imthias

Appearance:

For the Petitioner : M/s S. Vaidyanahan
 For the management : M/s M. Imthias & M. Vijayakumar

AWARD

The Central Government, Ministry of Labour vide the above order of references referred the IDs mentioned above to this Tribunal for adjudication

2. The schedule mentioned in the order of reference in the above IDs are as under:

ID 45 of 2006

“Whether the action of the management of Food Corporation of India in superannuation Sri. K. Palaniappan, Ex- Handing Mazdoor w.e.f. 31-05-2001 is legal and justified? If not, to what relief the workman is entitled to?”

ID 46 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. G. Ramalingam w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to ?”

ID 47 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. I. Ramu w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 52 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri.K.Ramakrishnan w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 54 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. K. Kesavel w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 55 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Smt.S. Lakshmi w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 57 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. M. Nagamuthu w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 58 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. V. Permal w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 59 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. V. Srinivasan

w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 62 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. K. Kelu Nair w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 63 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri .G. Kothandaraman w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 64 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri.B. Rathinavel w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 65 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. A. Natrajan w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 69 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. V. Muniyandi w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 70 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. C. Aji w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

ID 71 of 2006

“Whether the action of the management of Food Corporation of India in superannuating Sri. V. Kaliammal w.e.f. 31-05-2001 is legal and justified? If not to what relief the workman is entitled to?”

3. After the receipt of the Industrial Disputes, this Tribunal has numbered it as 45/2006, 46, 47, 52, 54, 55, 57, 58, 59, 62, 63, 64, 65, 69, 70, 71/2006 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their claim Statements and Counter Statements respectively.

4. The allegations in the claim Statement of ID 52/2006 are briefly as follows:

The petitioner is raising this dispute on the ground that the Respondent has terminated his services on the allegation that he has attained the age of superannuation at 58 years. The retirement age of employees of the Food Corporation of India is 60 years. Further, throughout India,

the retirement age of employees and the employees deputed to work at Port Trust was 60 years. While so, without giving any notice under Section-9A of the ID Act. to alter the service condition, the Respondent Corporation unilaterally reduced the age of retirement and has retired the petitioner and other employees on 31-05-2001. While so, the Food Corporation of India at Vizag Region has issued notice under Section-9A before effecting the date in the retirement age and the workers have raised a dispute and it is pending before the Tribunal. But, without resorting to that method, the Respondent Management has retired its employees at the age of 58 which meant as termination. Further, one of the regions viz. Vizag FCI, Port Trust Employees has retired the employees at the age of 60 years. The Chennai Port Trust FCI employees has been asked to retire at the age of 58 years is not only illegal but amounts to discrimination. Even though, the Headquarters of FCI informed the Regional Office to retire its employees at the age of 58 years after compliance of Section-9A of the ID Act, the Chennai FCI has not followed the advise and has retired the petitioner and other persons at one stroke of pen without issuing a notice under Section-9A. Hence, the petitioner prays this Tribunal to hold that the action of the Respondent Management in superannuating the petitioner w.e.f. 31-05-2001 as illegal and not justified and consequently direct the Respondents to extend all the monetary and consequential benefits.

5. As against this, the Respondent in the Counter Statement alleged that this ID is not maintainable before this Tribunal. The petitioner was employed as departmental labour to work at the Madras Harbour to handle the shipment of the foodgrains and the petitioner's employment was controlled by a separate Certified Standing Orders and as per the said Standing Order, the age of superannuation is 58 years. Further, the service condition, wage structure and other monetary benefits to the departmental labours of FCI working in Madras Harbour is on par with all the workers of the Chennai Port Trust and the Dock Labour Board as formed by the Ministry of Surface Transport. Therefore, the superannuation age of 58 years for the departmental labours as per the Standing Orders was increased to 60 years on a similar occasion on per with the Dock Labour Board without issuing any notice under Section-9A of the ID Act. Further, since the age of retirement is not one among the eleven conditions set forth in the Schedule-IV of the ID Act, no notice was issued nor no notice is contemplated under the same. In this case, though the gazette notification was issued on 05-01-2001 with regard to superannuation age, the implementation was made only on 31-05-2001. Neither the petitioners nor any person has made objection for the same but after a long lapse of time the petitioner has raised this dispute without any basis and, therefore, this claim of the petitioner is hit by laches and lapses on the part of the petitioner. Furthermore, though the age of superannuation was raised from 58 to 60 years

on an earlier occasion, there was no amendment made in the Standing Orders and the age of 60 years was not incorporated in the Standing Orders, therefore, there is no question of change of condition of service arises as alleged by the petitioner. This Respondent has not terminated or retrenched the petitioner nor any of its employees and, therefore, there is no illegality in the action of the Respondent. The policy of the Central Govt. is binding on the FCI and as such the FCI has implemented the same when the said Govt. Order was implemented on 31-05-2001, no individual labour or union has raised any objection. Hence, for all these reasons, the Respondent prays that this dispute may be dismissed with costs.

6. Again the petitioner in his reply statement alleged even assuming that the Standing Orders of FCI workers prescribed 58 as superannuation age, once the age is increased to 60 years, it has become a customary practice in a service conditions and, therefore the notice under Section-9A is mandatory. To extend the benefit or giving service, notice under Section-9A is not required but when any adverse decisions which is going to affect the working class was taken, it requires a notice under Section-9A of the ID Act. The contention that there is a delay in approaching this Tribunal is unwarranted as there is no delay for claiming the benefit under service condition prescribed under ID Act. Hence, the petitioner prays an award maybe passed in his favour.

7. Points for determination are in ID 52/2006:

(i) Whether the action of the Respondent Management of Food Corporation of India in superannuating Sri. K. Palaniappan, Ex-Handling Mazdoor w.e.f. 31-05-2001 is legal and justified?

(ii) Whether the action of the Respondent Management of Food Corporation of India in superannuating Sri. G. Ramaligam, w.e.f. 31-05-2001 is legal and justified?

(iii) Whether the action of the Respondent Management of Food Corporation of India in superannuating Sri. I. Ramu w.e.f. 31-05-2001 is legal and justified?

(iv) Whether the action of the management of Food Corporation of India in superannuating Sri. K. Ramakrishnan w.e.f. 31-05-2001 is legal and justified?

(v) Whether the action of the management of Food Corporation of India in superannuating Sri. K. Kesav w.e.f. 31-05-2001 is legal and justified?

(vi) Whether the action of the management of Food Corporation of India in superannuating Smt. S. Lakshmi w.e.f. 31-05-2001 is legal and justified?

(vii) Whether the action of the management of Food Corporation of India in superannuating Sri M. Nagamuthu 31-05-2001 is legal and justified?

(viii) Whether the action of the management of Food Corporation of India in superannuating Sri. V. Perumal 31-05-2001 is legal and justified?

(ix) Whether the action of the management of Food Corporation of India in superannuating Sri. V. Srinivasan 31-05-2001 is legal and justified?

(x) Whether the action of the management of Food Corporation of India in superannuating Sri. K. Kelu Nair 31-05-2001 is legal and justified?

(xi) Whether the action of the management of Food Corporation of India in superannuating Sri. G. Kothandaraman 31-05-2001 is legal and justified?

(xii) Whether the action of the management of Food Corporation of India in superannuating Sri. B. Rathinavel 31-05-2001 is legal and justified? If not, to what relief the workman is entitled to?

(xiii) Whether the action of the management of Food Corporation of India in superannuating Sri. A. Natrajan 31-05-2001 is legal and justified?

(xiv) Whether the action of the management of Food Corporation of India in superannuating Sri. V. Muniyandi 31-05-2001 is legal and justified?

(xv) Whether the action of the management of Food Corporation of India in superannuating Sri. C. Aji 31-05-2001 is legal and justified?

(xvi) Whether the action of the management of Food Corporation of India in superannuating Sri. V. Kaliammal 31-05-2001 is legal and justified?

(iA) To what relief the workman in these IDs are entitled to?

Point No. 1

The admitted facts of both parties in this case are:

8. Since the issue involved in all the cases are one and the same, the petitioners and the Respondent and Advocates for both parties have filed a Joint Memo stating that the evidence taken in 52/2006 may be taken on evidence in all the cases and a final award may be passed in all the cases. The said memo is recorded and the evidence is taken in ID 52/2006.

9. By a circular dated 29-05-1998, the FCI raised the age of retirement of the departmental workers working in the Port Trust from 58 to 60 years. Again in the year 2001, the FCI has reduced the age of retirement from 60 to 58 years. It is also relevant that the petitioner in ID 52/2006 and also the petitioners in other IDs have been asked to retire on 31-05-2001 after attaining the age of 58 years viz. the age of superannuation according to the Respondent Management. The petitioner in ID 52/2006 examined himself as WWI and has given evidence on his behalf and on

behalf of the other petitioners in other IDs. He has marked 12 documents on his side which are marked as Ex. W1 to W12. On the side of the Respondent one G. Ponnusamy who is working as Manager (Labour & Admn.) of the Respondent Management is examined as MW1. On their side no document has been filed before this Tribunal. The learned counsel for the petitioner contended that, no doubt, as per the Standing Order of the age of FCI workers was prescribed as 58 years as superannuating age but once the Management has increased the age of retirement to 60 years it has become customary practice and a service condition, therefore, if they want to reduce the age, a notice under Section-9A is mandatory. He further argued to extend the benefit or giving better service, notice under Section-9A is not required but when any adverse decision that too which is going to affect the working conditions of the workers is taken than a notice under Section-9A is required. In this case, it is admitted by the Respondent that notice under Section-9A was not given to the individual employees nor to the union, therefore, the decision taken by the Respondent Management reducing the age of retirement from 60 to 58 years is illegal and void ab initio. Then again, he argued the Headquarters of FCI under the order dated 04-05-2001 has clearly instructed their Zonal Office and the Regional Office, in superannuating the FCI Departmental Port Trust Workers at the age of 58 years. It requested their office to follow the statutory provisions of Section-9A of the ID Act. But on the other hand, the Respondent Management viz. FCI Chennai Office has not followed this instruction given by the Headquarters, as such, it is irregular and unjustified. Hence for all these reasons, he argued that the action of the Respondent Management is illegal and not justified and made without any reason.

10. The learned counsel for the petitioner further relied on the ruling reported in 1999 2 LLJ 600 LOKMAT NEWSPAPERS(P) LTD. VS. SHANKAR PRASAD wherein in a company engaged in the publication of Maratha Daily terminated the services of a Formen working in Composing Department and where in the Composing was done by hand composing and printing was done on Razotary Printing Machines. Subsequently, when newspaper company set up an establishment at Jalgaon, Maharashtra State and Company had installed two prototype composing machines at Nagpur which was a new technique and consequent upon the operation of this new technique about 25 employees including the petitioner who were working in the Hand Composing Department became surplus and the Management transferred them to Jalgaon where another establishment of the Appellant was located. When the said transfer was challenged by the worker and other employees before the Industrial Court, the Industrial Court decided that the order of termination amounts to change in conditions of services of employees which resulted in unfair labour practice on the part of the

Company. When the matter came up for consideration before the Supreme Court, it held that "notice under Section-9A read with Section-4 is required and change in conditions of service without complying with requirement of Section-9A renders such change void ab initio". Relying on this decision, the learned counsel for the petitioner argued in this case the Respondent Management has raised the age of retirement from 58 to 60 and once the age is increased to 60, it has become a customary practice and it is service condition and, therefore, a notice under Section-9A is mandatory while reducing the age of retirement and, therefore, the order of the Respondent Management is illegal.

11. But as against this, the learned counsel for the Respondent argued that though the retirement age of the FCI employees is 60, the petitioner and other workers are departmental employees deputed to work at Madras Harbour to handle the shipment of food grains and the petitioner's employment was controlled by Certified Standing Orders and as per the said Standing Orders, the age of superannuation is only 58 years. Only to give the benefits to the departmental employees on par with the employees of Chennai Port Trust, the Respondent Management has raised the age of superannuation from 58 to 60 which is the policy decision of Govt. of India and, therefore the FCI has to follow the same. In this case, even though the retirement age has been increased from 58 to 60 on par with Dock Labour Board and Port Trust employees, it was increased without issuing any notice under Section-9A of the Act. Further, there is no amendment made in the Standing Orders and age of 60 years was not incorporated in the said Standing Orders. Therefore, the petitioner's allegation that the change in the retirement age is a service condition is without any basis. Then again, the learned counsel for the Respondent argued the age of retirement is not one among the eleven conditions set forth in the Schedule-IV of the ID Act and, therefore, no notice was necessary nor contemplated. Then again it was contended on behalf of the Respondent in this case the gazette notification was issued on 05-01-2001 with regard to reduction in the age of retirement and the implementation was made on 31-05-2001. Neither the petitioner nor any members of the union have raised any objection to the same immediately. After a lapse of three years, the petitioner has raised this dispute without any basis. Therefore, the claim of the petitioner is hit by latches and lapses on the part of the petitioner. Lastly, the learned counsel for the Respondent argued that the policy of the Central Govt. is binding on FCI and FCI has implemented the policy of the Govt. when it was implemented the order on 31-05-2001, no individual labour or union has raised any objection, as such, there is no illegality in the action of the Respondent and the learned counsel for the Respondent relied on two decisions viz. 1993 LAB IC 1850 GOKAK MILLS VS. WORKMEN GOKAK MILLS wherein the Karnataka High

Court in a similar circumstance when considering whether non-compliance of Section-9A notice to defeat an application of the nature in which circumstances will amount to illegality, has stated "Section-9A of the ID Act provides that a notice of change has to be given by the employer who proposes to effect any change in condition of service applicable to any workmen in respect of any matter specified in the IVth Schedule without giving twenty one days notice. Fourth schedule of the ID Act set down certain matter and the age of retirement as such is not one of the aspects dealt with nor any general condition of service. It refers to specific items of conditions of service such as wages, allowances, hours of working contributions to be payable to Provident Fund or pension fund, classification of employees by grades, withdrawal of customary concessions or privileges, change in usage or introduction of new rules of discipline or alteration of some existing rationalization standards, improvement of plant or technical knowhow which may involve retrenchment of workmen or increase or reduction in the number of employees in any occupation or process of department not occasioned by circumstances over which the employers have complaint Even assuming for a moment that Section-9A of the ID Act is attracted in a case of this case all that happens is before giving effect to the particular condition provided under Section-9A of the ID Act and therefore it would be certainly open to the concerned workman as stated in the several decisions of the Supreme Court to raise an Industrial Disputes if necessary. In that view of the matter, non-compliance of the Section-9A of the ID Act may not have any significance in this case."

12. The next decision relied on by the learned counsel for the Respondent is an unreported decision of the Madras High Court dated 16-11-2007 in WP Nos. 18612 and 20255 of 2000, 380, 640 of 2001 and 11991 of 2002 D. Purushothaman Vs. Chennai Port Trust and Others wherein the Madras High Court in a similar case in which the superannuation age of Dock Labour Board has been reduced from 60 to 58 years, the High Court has held "the second submission of the learned counsel appearing for the petitioners is that Section-9A of ID Act is attracted, therefore, Section-9A inasmuch as the Board has not given any notice to all the employees in terms of Section-9A of the ID Act, the challenge made by them is illegal. Even assuming that such provisions are covered under the ID Act and requires a notice under Section-9A of the ID Act, the question is to be answered against them. Though, Section-9A of the ID Act contemplates 21 days of notice, the proviso to the said section clearly stated that if there are statutory regulations, no notice is required. The only criteria is that those statutory regulations have to be published in Govt. Gazette. As stated already, the amendments have been published in the Govt. Gazette and, hence, the question of any notice being given under Section-9A does not arise". Relying on this decision the

learned counsel for the Respondent argued even on 5-01-2001, the Govt. published the reduction in the age from 60 to 58 and it was implemented only 31-05-2001. Even when publication was made, and even when notification to the Gazette was made no one has complained about the same. Only after three years, the petitioner has raised this dispute questioning the same. Under such circumstances, it cannot be said notice under Section-9A is required before effecting the reduction in the age of retirement. On consideration of the entire argument of the learned counsel for the Respondent, I am inclined to accept the contention of the learned counsel for the Respondent because in this case it was not established by the petitioner that age of superannuation is one of the conditions mentioned in the IVth Schedule; further such fixation of superannuation of age of has become a customary practice or a service condition. Under such circumstances, it cannot be said that non-issuance of notice under Section-9A before effecting the reduction in the age of superannuation is fatal. Further, it is admitted by the petitioner that he was governed by the Standing Orders of the FCI Departmental Labours, while so, when there is no amendment made in the Standing Orders, it cannot be said that there is a change in retirement age. When the petitioner has not questioned the notification in the Gazette dated 05-01-2001 immediately and when the petitioner has not challenged his retirement at the age of 58 i.e. on 31-05-2001, it cannot be said that the action taken by the Respondent Management is illegal. Further, the Madras High Court in a recent decision has held in the light of the changes in statutory regulations, the statutory boards were given powers to roll back the age of retirement to 58 from 60 years and the proviso to Section-9A clearly states that if there are statutory regulations, no notice is required and as such I am not inclined to accept the various contentions raised by the petitioner and I find this point against the petitioner.

Point No. 2 in all IDs

The next point to be decided in all these cases is to what relief the petitioner is entitled to?

13. In view of my foregoing findings that the action of the Respondent Management in superannuating the petitioner w.e.f. 31-05-2001 is legal and justified, I find the petitioner is not entitled to any relief.

14. Thus, the reference is answered accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 23rd June, 2008)

K. JAYRAMAN, Presiding Officer

Witnesses Examined:—

For the I Party/Petitioner

WWI Sri.K.
Ramakrishnan

For the II Party/Management :	MWI Sri. Ponnusamy	
Documents Marked:—		
On the petitioner's side		
Ex. No.	Date	Description
Ex. W1	20-03-2001	Order of FCI retiring employees on attaining the age of 60 years.
Ex.W2	04-05-2001	Letter of FCI, New Delhi instructing the FCI, Chennai to comply with Section-9A.
Ex. W3	31-05-2001	Order of FCI retiring the petitioner and other employees at 58 years without issuing a notice under Section-9A.
Ex. W4	27-07-2001	Notice under Section-9A issued to the employees of FCI, working at Vizag Port with annexures.
Ex. W5	03-01-1970	Standing Order of FCI applicable to Workmen.
Ex.W6	29-05-1998	Fax regarding enhancement of age of retirement for staff.
Ex. W7	28-09-2000	Circular No. 11 of 2000 from FCI HQ bearing Ref.No. IR(L)/4(32)/98.
Ex.W8	30-09-2004	2A Petition
Ex. W9	28-09-2000	Circular No. 11 of 2000 from FCI HQ bearing Ref. No. IR(L)/4(32)/98.
Ex.W10	29-05-1998	Circular No. IR(L)/4(10)/98 regarding enhancement of age of retirement for workers.
Ex.W11	04-06-1998	Letter No. LB-16017/2/98-L-IV of Ministry of Service Transport to Port Trusts and Dock Labour Board regarding enhancement of age of retirement from 58 to 60 years.
Ex. W12	28-11-2007	Letter No. IR(L)/3(22)/2007/SZ dated 28-11-2007 regarding enhancement of superannuation age from 58 to 60 years in respect of Port Labour of FCI at Chennai and Vizag.

On the Management's side:—

Ex. No.	Date	Description
	Nil	

नई दिल्ली, 7 अगस्त, 2008

का.आ. 2472.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमांडर वर्क्स इंजीनियर (एयर फोर्स) के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 175/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-08 को प्राप्त हुआ था।

[सं. एल-14012/28/2002-आईआर(डी.यू.)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 7th August, 2008

S.O. 2472.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.175/2002) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Commander Works Engineer (Air Force), and their workmen, which was received by the Central Government on 07-08-2008.

[No: L-14012/28/2002- IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO.1, CHANDIGARH

Case No. I.D. 175/2002

Sh. Deepak Sudan, H.No. 704, Sector-17-A Chandigarh.
....Applicant

Versus

The Commander Works Engineer, Head Quarter (Air Force), Chandigarh-160003

....Respondent

APPEARANCES

For the workman None

For the management Sh. D.R. Sharma

AWARD

Passed on 30-7-08

Central Govt. vide notification No.L-14012/28/2002-IR(DU), dated 14-8-2002 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Commander Works Engineer (Air Force). Chandigarh

in terminating the services of Sh. Deepak Sudan, Ex-DG Set Operator is just and fair? If not so, to what relief the workman is entitled?"

2. No one is present, on behalf of workman. Learned representative of the management Shri D.R. Sharma is present. Since morning this reference has been called number of times. At 10-45 am. it was ordered to be placed before this Tribunal once again at 2pm. It is 2-30 now and on repeated calls no one is present, in spite of having of full knowledge of the proceedings of this reference. The reference is as old as referred to this Tribunal in the year 2002. On repeated calls since morning no one is present. Accordingly, the reference is dismissed in default for non-prosecution Central Government be informed accordingly. File to be consigned.

Chandigarh G. K. SHARMA, Presiding Officer
30-7-08

नई दिल्ली, 7 अगस्त, 2008

का.आ. 2473.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 31/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2008 को प्राप्त हुआ था।

[सं. एल-40012/425/2000-आईआर(डी.यू.)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 7th August, 2008

S.O. 2473.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.31/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BBMB, and their workman, which was received by the Central Government on 07-08-2008.

[No. L-40012/425/2000- IR(DU)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. 1, CHANDIGARH

Case No. I.D. 31/2001

Sh. Partap Chand S/o Sh. Kishan Chand, Vill. Dahni, PO: Massewal, Tehsil Anandpur Sahib Ropar

....Applicant

Versus

(1) The Chief Engineer, Bhakra Beas Management Board System Operation Sector 19-B Madhya Marg, Chandigarh-617001.

(2) The Chief Engineer, System Operation, Bhakra Beas Management Board S.C.O., 2477-78, Sector-22/C, Chandigarh-607001.

(3) Incharge Beas Construction Board C/o BBMB, BBMB Building Sector-19Madhya Marg, Chandigarh-617001.

—Respondents

APPEARANCES

For the workman Sh. R.K. Singh

For the management Miss Jyoti Kausal

AWARD

Passed on 25-7-08

Central Govt. vide notification No.L-40012/125/2000-IR(DU), dated 27-12-2002 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of BBMB in not allowing Sh. Partap Chand S/o Sh. Kishan Chand Ex.Chowkidar of Beas Construction Board to join his duties w.e.f. 18-12-97 after obtaining the fitness certificate from the authorized medical practitioner is just and legal? If not, to what relief the workman is entitled?”

2. The present reference was made by the Central Govt. on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full backwages and all consequential benefits in the interest of justice, equity and fair play.

3. The management turned up and opposes this reference.

4. As per office memorandum dated 30-4-08, this case was fixed in pre Lok Adalat meeting on 25-7-08 for its disposal by adopting the mediation and conciliation mechanism. With the efforts of the Tribunal, the workman agreed to withdraw his reference. Both the workman and the management made a statement that it is agreed between the workman and the prescribed authority that the management will pay Rs. 27000/- as compensation to the workman and the workman will withdraw his reference from this Tribunal. The prescribed authority of the management and the workman during the hearing of this case in pre Lok Adalat agreed upon the above mentioned terms and conditions. It is proposed to dispose off this reference in

Lok Adalat. Accordingly the reference is returned to the Central Govt. as settled in Lok Adalat Central Govt. be informed. File be consigned to record.

Announced

25-7-08

G. K. SHARMA, Presiding Officer

नई दिल्ली, 7 अगस्त, 2008

का.आ. 2474.—औद्योगिक विवाद अधिनियम, 1947 (1947 का, 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण इरनाकूलम के प्रचाट (संदर्भ संख्या 281/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2008 को प्राप्त हुआ था।

[सं. एल-12012/232/1996-आई आर(बी-1)]

बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 7th August, 2008

S.O. 2474.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 281/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the management of Federal Bank Ltd., and their workmen, received by the Central Government on 7-8-2008.

[No. L-12012/232/1996-IR(B-1)]

B. K. MANCHANDA, Section Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, ERNAKULAM

Present: Shri P. L. Norbert, B. A., L. L. B., Presiding Officer

(Thursday the 3rd day of April 2008/14th Chaitra 1930)

I.D.281/2006

(I.D.50/1997 of Labour Court, Ernakulam)

Union : The General Secretary,
Federal Bank Employees Union,
P.B. No. 10, Alwaye-683 101

By Adv. Shri C. Anilkumar

Management : The Chairman,
Federal Bank Ltd.,
Head Office, Alwaye-683 101.

By Adv. M/s. Krishnan
Associates.

This case coming up for hearing on 28-3-2008, this Tribunal-cum-Labour Court on 3-4-2008 passed the following:

AWARD

This is a reference made under Section 10 (1) (d) of Industrial Disputes Act. The reference is :

“Whether the action of the management of the Federal Bank is justified in dismissing Sh. Joseph Thomas, clerk of Kottapady Branch w.e.f. 30-8-1995? If not, to what relief the concerned workman is entitled to?

2. The facts in nutshell are as follows:— Shri. Joseph Thomas was in service of Federal Bank as bankman. In 1979 he was promoted as clerk. While so, disciplinary proceedings were initiated against him on the allegation that during the period 1979 to 1986 he had committed various fraudulent acts and misappropriation of money of customers of the bank (Kottappady branch) in collusion with co-workers. The modus operandi was that money brought by customers for remittance into their accounts, were received by the workman and his associates and entries were made in their pass books, without actually remitting the money in bank and without accounting it in the books of accounts. Whenever the account holders came to withdraw money sometimes they used to make payments directly without routing through the accounts of the bank and other times by remitting sufficient money in customers' accounts allowing them to withdraw the amounts they wanted. Two charge sheets were issued to the worker and a domestic enquiry was conducted. In the enquiry he was found guilty of all the charges and he was dismissed from service.

3. According to the union which has espoused the cause of the worker, an enquiry was ordered before getting an explanation of the worker. The witnesses of the management were their own henchmen. No opportunity was given to the workman to adduce his evidence. Principles of natural justice were not complied with by the Enquiry Officer. There are no materials to find the workman guilty. He is not guilty of any of the charges levelled against him. The punishment is excessive and disproportionate. The appellate authority has not properly looked into the evidence on record.

4. The management contends that the worker was given ample opportunity to defend the charges. He was represented by a union office bearer. The management witnesses were cross examined. The enquiry officer conducted the enquiry as per rules and complied with the principles of natural justice. It is on the basis of the evidence on record that the findings were entered by the Enquiry Officer. The Disciplinary Authority imposed the punishment of dismissal considering the gravity of the misconduct. The appellate authority confirmed the findings and the punishment after analyzing the evidence on record and assessing the gravity of misconduct. The workman has committed fraud and misappropriated the money of customers. Such a person lacks integrity and honesty and

the bank can have no confidence in him. The workman is not therefore entitled for any relief.

5. In the light of these contentions the following points arise for consideration:—

1. Is the enquiry valid?
2. Are the findings sustainable?
3. Is the punishment proportionate?

The evidence consists of Ext. M1 Enquiry file alone.

6. Point No.1:— The allegation against the workman is that he had, in collusion with co-workers and an officer of the bank, committed fraud and misappropriation of money of customers during 1984—86. Two charge sheets were issued to the workman, one on 18-4-1988 and the other on 6-1-1989. Copies of charge sheets are at pages 153 and 150 respectively of Ext.M1. Though there is an allegation in the claim statement that the Enquiry is vitiated on account violation of principles of natural justice, at the time of argument this was not seriously pursued. The workman was defended by the then Vice President of the union, Sri.C.M.Devasy. The workman and the defence representative participated in the enquiry throughout. Witness list and copies of documents relied on by the management were furnished to the defence by the Enquiry Officer. All the management witnesses were cross examined by the defence. The workman was given opportunity to adduce defence evidence. After the enquiry report was submitted to the disciplinary authority a copy of the report was given to the workman and he was heard regarding punishment by the Disciplinary Authority. Thus the procedure of enquiry was followed and principles of natural justice were complied with by the Enquiry Officer. There is nothing to show that there is any infraction of any procedural formalities by the Enquiry Officer. Therefore I find that the enquiry is valid.

7. Point No.2:— 8 instances of fraudulent transaction and misappropriation of money are alleged in the two charge sheets. The modus operandi of the workman and his associates is that the money entrusted by customers for remittance to their accounts would not be credited in their accounts, but would be recorded in their pass books. Whenever such account holders turn up to withdraw money, the workman and his friends would either pay money from their pockets or make remittance into the accounts on that day and allow them to withdraw the money. Such remittances on subsequent dates would not be shown in the pass books. As a result the entries in pass books and ledger would not tally. This discrepancy also created difficulty in calculating interest on deposits. Naturally the quantum of interest varied in both documents.

8. The first allegation is that on 30-4-1985 one Sri Rajappan Pillai, account holder of S.B. Account No.10012 came to the bank to remit Rs.10,000. The amount

was received by Sri Joseph Thomas (workman) and he made entry in the pass book but did not make corresponding entry in the ledger. Ext ME-3 is the pass book. It contains the handwriting and initial of workman regarding remittance. Ext. ME-4 is a ledger copy. There is no entry of remittance on 30-4-1985. This amount was remitted on a subsequent date on 6-5-1985, and then alone entry was made in the ledger. At the same time no corresponding entry was made in the pass book on 6-5-1985. Ext.ME-2 is the attendance register. MW-1 the then officer of the branch has identified the handwriting and initial of the workman in the passbook. The witness compared the initials of the workman in the attendance register with those of the pass book and they tallied. He also identified the handwriting of worker in the passbook. The entry in the ledger on 6-5-1985 was also made by the workman and was identified by MW-1. ME8 is cash pay-in-slip dated 6-5-1985 for Rs.10,000. It was prepared by Sri Jacob Varghese an officer of the bank who is alleged to have colluded with the workman. ME-5 and ME-6 are extracts of cash book relating to 30-4-1985 and 6-5-1985. Cash remitted on 30-4-1985 is not shown in the cash book. However the remittance of 6-5-1985 is recorded in the cash book. MW-2 and MW-3 are the then Branch Manager and the Investigating Officer. It is on the basis of these materials that the Enquiry Officer came to the conclusion that the workman in collusion with his friends committed fraud and misappropriated the money of customers. The finding is unimpeachable.

9. The next allegation is that Smt. Sasilamma and Rajan who are joint account holders of SB A/C No. 5600 had brought Rs. 28,000 for remittance on 6-9-1985. The amount was received and credit was recorded in the pass book of the account holders (Ext.ME-11) by the worker and the entry was initialed by Sri Jacob Varghese, an Officer of the bank. However there was no corresponding entry in the ledger, Ext. ME-10. MW-1 has identified the handwriting of the workman and the initial of Jacob Varghese in the pass book. This amount of Rs.28,000 was remitted on a subsequent date on 3-12-1985. Ext.ME-13 is the S.B. pay-in-slip dated 3-10-1985 for Rs.28,000. The slip was prepared by Sri Jacob Varghese. However the slip is not signed, The remittance was recorded in ME-12 ledger by the workman. Handwriting is identified by MW-1. He has also identified the handwriting of Sri Jacob Varghese in the pay-in-slip. Ext. ME-7 is cash book. No remittance as on 16-9-1985 is seen recorded in the cash book. MW-2 and MW-3 had examined and verified all the books of account in the branch and has given evidence about the discrepancy in the cash book as well as other account books. The above evidence also reveals that the workman in collusion with his friends had taken away the money given for remittance and later, compelled by circumstances, had remitted the money. The allegation stands proved and the finding of the Enquiry Officer in this regard is perfectly in order.

10. It is then alleged by the management that Sri M. Soman Pillai account holder of S.B. Account No. 2183 had presented a cheque for Rs. 5,000 on 7-11-85 for encashment. Due to siphoning of money there was no sufficient balance in the account. The money was therefore paid by the worker and Sri Jacob Varghese to cover up the misdeed, Ext. ME-15 is the pass book. It shows credit entry of Rs. 20,000 on 23-10-85. This entry was made by another clerk, Vasavan and initialed by Jacob Varghese. MW 1 has identified the handwriting and initial..Ext ME-16 is ledger copy. But there is no corresponding entry on 23-10-1985 in ledger. When the cheque was presented by the account holder for withdrawal the workman made a debit entry in the pass book for Rs. 5000 and gave back the pass book and paid the money. Ext. ME-37 is a statement given by the account holder Soman Pillai. He says that he was in the habit of producing pass book whenever he remitted or withdrew money. Thus the discrepancies in account books would bring to light the fraudulence committed and misappropriation done by the workman and his associates.

11. It is then alleged by the management that one Gopala Pillai had been to bank on 17-10-1984 to withdraw Rs.1000 from his S.B. Account 8033. Sri Vasavan obtained a blank withdrawal form signed by the customer and filled it, for Rs.15,000 instead of Rs.1,000 Sri Vasavan withdrew Rs.15,000 from customers' account, but gave only Rs.1000 to the customer and balance amount of Rs. 14,000 was taken away by him. The pass book and leger showed different balance amounts. Naturally the interest accrued on the balance amount also differed. The amount of interest shown in the pass book was more than the interest shown in the ledger. On 13-3-1985 the customer remitted Rs. 3,000. The credit entry in the pass book and ledger was made by the worker. The balance as per pass book as on 13-3-1985 was Rs. 22756 ps.25, while in the ledger it was Rs. 8581 ps.25. Though the workman made the entries in the pass book and the ledger he did not bring this discrepancy to the notice of his superiors. Ext.ME-19 is the pass book, Ext.ME-20 is the ledger folio and Ext.ME-21 is the withdrawal form dated 17-10-1984. MW5 has identified the handwriting in the passbook and the ledger as that of the workman. Thus charge is proved.

12. As per the 2nd charge sheet the first allegation is that customer Sri C.K.Raghunandan had been to bank on 10-6-85 to remit Rs.10,000 in S.B.Account No.7222. Sri Vasavan received the money, but did not remit it in the account. On 19-7-1985 customer came to withdraw Rs.10,000. Then the workman and his associates remitted Rs.10,000 in the account and paid the money. However the worker did not record remittance of Rs.10,000 on 19-7-85 in the pass book with a view to avoid the notice of the customer. Ext.ME-25 passbook, ME-26 ledger copy, ME-27 withdrawal form dated 19-7-1985 and ME-28 S.B. pay-in-slip were written by the workman. The pay-in-slip did not contain the signature of the customer. MW1 has identified the handwriting of the

workman in the pay-in-slip. These materials clearly indicate the underhand dealings of workman and his friends.

13. It is alleged by the management that the same customer had brought Rs. 8,500 for remittance on 19-8-1985. The workman accepted the money. However he did not remit it in the account. On 23-8-1985 the customer came to withdraw Rs. 1,000. Since there was no sufficient money in the account Sri Vasavan paid the money to the customer without rooting it through the account. In the passbook a credit entry of Rs. 8,500 was made but not in the ledger. MW-2 and MW-3 had examined all the books of accounts and confirmed the discrepancy. The withdrawal of Rs. 1,000 on 23-8-1985 is also not recorded in the ledger. But it is recorded in the pass book. This again proves the fraud committed by the workman.

14. The same account holder went to bank again on 21-10-1985 for withdrawing Rs. 500 and on 15-11-1985 for withdrawing Rs. 7,000. On both occasions the balance in the account was not sufficient to allow withdrawal. What the workman and his friends did was that they remitted Rs. 1,000 on 21-10-85 and Rs. 6,500 on 15-11-1985 so that the customer could withdraw the amounts. However in the pass book no such remittances were recorded, but withdrawals were entered. Ext. ME-29 and ME-30 are withdrawal forms. MW-1 says that entries in the pass book were made by the workman. The workman thus in connivance with his friends misappropriated the money of the customer and manipulated the books of accounts.

15. It is lastly alleged by the management that Smt. Abusa Beevi an account holder of S.B. Account No. 8961 approached the bank to remit Rs. 10,000 on 15-7-85. The amount was received by the workman. He recorded the remittance in the pass book. But no corresponding entry was made in the ledger. On 28-9-1985 the customer wanted to withdraw Rs. 1,500. The worker and his friends then remitted Rs. 10,000 in her account. Sri Jacob Varghese (officer) prepared the remittance slip and made entries in the ledger. Ext. ME-33 is the pass book and ME-34 is the ledger copy. The discrepancies are discernable from Exts. ME-33 and 34. MW2 and MW3 had verified all the books of accounts and they also speak about the discrepancy. MW1 has identified the handwriting of the workman in the passbook. Thus the charge stands proved.

16. As per the evidence on record the workman and his friends have misappropriated a total sum of Rs. 1,00,500 during the period 1984—1986. The union has not been able to point out any lacuna in evidence or infirmity in the findings recorded by the Enquiry Officer. The findings are beyond challenge and I find absolutely no ground to interfere with it.

17. Point No.3:—The punishment imposed is dismissal without notice. According to the workman he is only a scapegoat for the misdeeds of others in the bank whose interest the management wants to protect. That is

why despite all the allegations against him he was not suspended from service. But other than the mere allegation in the claim statement neither the workman nor the union has been able to substantiate the acts of victimization alleged. No mitigating circumstances are pointed out by the union to say that the punishment is excessive or disproportionate. Dismissal is the maximum punishment as per Para 19.6 of 1st Bipartite Settlement. But for the misconduct of this nature can the management be expected to reduce the sentence? There are several instances of fraud and misappropriation of money of customers. A group of employees were involved in the racket and it was going on for quite sometime. It is definitely an alarming situation in a bank and management cannot view it lightly or treat the culprits sympathetically. Utmost integrity and honesty are expected of a bank employee. It is essential for a bank to maintain its reputation and confidence of customers, which is all the more required as there is tough competition in the banking arena. Considering the gravity of guilt and the mode of its perpetration I don't think that the punishment is in any way harsh or disproportionate. Therefore I refrain from meddling with it.

In the result an award is passed finding that the action of the management in dismissing the workman Sri Joseph Thomas from service is legal and justified and the workman is not entitled for any relief. No cost.

The award will take effect one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 3rd day of April, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Exhibit for the Management:

M 1 - Enquiry File

नई दिल्ली, 7 अगस्त, 2008

का.आ. 2475.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार सेन्ट्रल रेलवे के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 141/2003) को प्रकाशित करती है, जो केंद्रीय सरकार को 7-8-2008 को प्राप्त हुआ था।

[सं. एल-41012/145/2003-आई आर(बी-1)]

बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 7th August, 2008

S.O. 2475.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 141/2003) of the Central Government Industrial Tribunal-cum-

Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Central Railway, and their workmen, received by the Central Government on 7-8-2008.

[No. L-41012/145/2003-IR-(B-I)]

B. K. MANCHANDA, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, JABALPUR

NO.CGIT/LC/R/141/03

Presiding Officer: Shri C.M. Singh

The Divisional Circle Secretary,
Madhya Railway Karmchari Sangh,
Qr. No. RB-II-223 B, Railway Colony,
Habibganj,
Bhopal (MP) Workmen/Union

Versus

The Divisional Railway Manager (P),
Central Railway, Habibganj,
Bhopal (MP) Management

BENCH OF LOK ADALAT

1. Shri C.M.Singh, Presiding Officer CGIT Cum Labour Court, Jabalpur	—Chairman
2. Shri K.N.Nair, Advocate	—Member
3. Shri Mayank Sharma, Advocate	—Member

AWARD

Passed on this 13th day of July, 2008

The Government of India, Ministry of Labour vide its Notification No. L-41012/145/2003-IR (B-I) dated 3/9-9-2003, has referred the following dispute for adjudication by this Tribunal:—

“Whether the action of the management of DRM(P), Central Railway, Bhopal in wrong fixation of pay in r/o Shri Uma Shankar Prasad and keeping his pay scale less than his juniors is justified? If not, what relief the workman is entitled for?”

2. After the reference order was received, it was duly registered on 23-9-03 and notices were issued to the parties to file their respective statement of claims. During the pendency of this reference, workman Shri Uma Shankar Prasad/The Divisional Circle Secretary of the Union moved application for closing this reference as he does not want to contest it. On this application, Shri C.K. Mishra, Advocate

for the management has no objection. It appears from the above that no industrial dispute is left between the parties, therefore it shall be just and proper to pass a no dispute award without any orders as to costs.

3. In view of the above, no dispute award is passed without any orders as to costs.

4. Copies of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. Labour Court.

Jabalpur.

Chairman

K.N. NAIR, Advocate
Member

MAYANK SHARMA, Advocate
Member

नई दिल्ली, 8 अगस्त, 2008

का.आ. 2476.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ ईस्ट सेन्ट्रल रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 221/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2008 को प्राप्त हुआ था।

[सं. एल-41012/190/2002-आई आर(बी-1)]

बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 8th August, 2008

S.O. 2476.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 221/2003) of the Central Government Industrial Tribunal-cum-Labour Court Nagpur as shown in the Annexure, in the industrial dispute between the management of South-East Central Railway, and their workmen, received by the Central Government on 8-8-2008.

[No. L-41012/190/2002-IR-(B-I)]

B. K. MANCHANDA, Section Officer

ANNEXURE

BEFORE SHRI A.N. YADAV PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR.

Case No. 221/2003

Date: 31-7-2008

Shri Deepak Devman Bhame

Nagpur

Party No.1

Versus

The General Manager, South-East Central Railway,
Bilaspur

AND

The Divisional Railway Manager, S.E.C.Railway, Nagpur
Party No.2

AWARD

The Central Government after satisfying the existence of disputes between Shri Deepak Devman Bharne, Nagpur, Party No.1 and the General Manager, South-East Central Railway, Bilaspur and the Divisional Railway Manager, S.E.C. Railway, Nagpur, Party No.2, referred the same for adjudication to this Tribunal vide its letter No. L-41012/190/2002-IR (B-I) dt. 11-7-2003 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule:

(2) "Whether the action of the South Eastern Railway, Nagpur Division, Nagpur (M.S.) in denying regularization and absorption as Parcel Porter/Hamal to Shri Deepak Bharne S/o Devman Bharne is justified? If not, to what relief the workman concerned is entitled?"

(3) The Petitioner has raised the dispute alleging that they are being treated as a coolies though they were working as a Parcel Porters performing the duties of carrying parcel from the Parcel Office to the Platform and loading them into the wagons as per directions of the Station Master or the Officers appointed by him under his supervision. However, the management avoided to regularize them and give them a status of regular employee of the Railway though they have completed more than 240 days continuous service. They were appointed after a screen test and interview still they are denied all the facilities which are available to the Parcel Portal. Hence, they had challenged the action of the management and prayed to treat them as a Parcel Porter and provide all the facilities which are given to the Parcel Portal. It seems that the Union had filed one separate case bearing No.36 of 2002. However, they have filed the separated cases individually also since the award has been passed in reference No.36 of 2002. They have prayed to withdraw the personal case filed by individually. He is permitted to withdrawn since it has become in fructuous due to the award in 36/2002 its stands as withdrawn and disposed off for want of prosecution. Hence this award.

A. N. YADAV, Presiding Officer

नई दिल्ली, 8 अगस्त, 2008

का.आ. 2477.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साझथ इस्ट सेन्ट्रल रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 184/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2008 को प्राप्त हुआ था।

[सं. एल-41012/196/2002-आई आर(बी-1)]

बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 8th August, 2008

S.O. 2477.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 184/2003) of the Central Government Industrial Tribunal-cum-Labour Court Nagpur as shown in the Annexure, in the industrial dispute between the management of South-East Central Railway, and their workmen, received by the Central Government on 8-8-2008.

[No. L-41012/196/2002-IR-(B-I)]

B. K. MANCHANDA, Section Officer

ANNEXURE

**BEFORE SHRI A.N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR.**

Case No. 184/2003

Date: 31-7-2008

Shri Devidar Hari Madame
Nagpur

Party No. I

Versus

The General Manager, South-East Central Railway,
Bilaspur

AND

The Divisional Railway Manager, S.E.C.Railway, Nagpur
Party No.2

AWARD

The Central Government after satisfying the existence of disputes between Shri Devidar Madame S/o Hari Madame, Party No.1 and the General Manager, South-East Central Railway, Bilaspur and the Divisional Railway Manager, S.E.C. Railway, Nagpur, Party No.2, referred the same for adjudication to this Tribunal vide its letter No. L-41012/196/2002-IR (B-I) dt. 25-6-2003 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule :

(2). "Whether the action of the South Eastern Railway, Nagpur Division, Nagpur (M.S.) in denying regularization and absorption as Parcel Porter/Hamal to Shri Devidar Madame S/o Hari Madame is justified? If not, to what relief the workman concerned is entitled?"

(3) The Petitioner has raised the dispute alleging that they are being treated as a coolies though they were working as a Parcel Porters performing the duties of carrying parcel from the Parcel Office to the Platform and loading them into the wagons as per directions of the Station Master or the Officers appointed by him under his supervision. However, the management avoided to regularize them and give them a status of regular employee of the Railway though they have completed more than 240 days continuous service. They were appointed after a screen test and interview still they are denied all the facilities which are available to the Parcel Portal. Hence, they had challenged the action of the management and prayed to treat them as a Parcel Porter and provide all the facilities which are given to the Parcel Portal. It seems that the Union had filed one separate case bearing No. 36 of 2002. However, they have filed the separated cases individually also since the award has been passed in reference No. 36 of 2002. They have prayed to withdraw the personal case filed by individually. He is permitted to withdrawn since it has become in fructuous due to the award in 36/2002 its stands as withdrawn and disposed off for want of prosecution. Hence this award.

A. N. YADAV, Presiding Officer

नई दिल्ली, 8 अगस्त, 2008

का.आ. 2478.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ ईस्ट सेन्ट्रल रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 183/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2008 को प्राप्त हुआ था।

[सं. एल-41012/194/2002-आई आर(बी-1)]

बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 8th August, 2008

S.O. 2478.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 183/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the management of South-East Central Railway, and their workmen, received by the Central Government on 8-8-2008.

[No. L-41012/194/2002-IR-(B-I)]

B.K.MANCHANDA, Section Officer

ANNEXURE

**BEFORE SHRI A.N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. 183/2003

Date: 31-7-2008

Shri Gopal S/o Budhram Raut
Nagpur

Party No.1

Versus

The General Manager, South-East Central Railway, Bilaspur
AND

The Divisional Railway Manager, S.E.C.Railway, Nagpur
Party No.2

AWARD

The Central Government after satisfying the existence of disputes between Shri Gopal S/o Budhram Raut, Party No.1 and the General Manager, South-East Central Railway, Bilaspur and the Divisional Railway Manager, S.E.C. Railway, Nagpur, Party No.2, referred the same for adjudication to this Tribunal vide its letter No. L-41012/194/2002-IR(B-I) dt. 25-6-2003 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule:

(2). “Whether the action of the South Eastern Railway, Nagpur Division, Nagpur (M.S.) in denying regularization and absorption as Parcel Porter/Hamal to Shri Gopal Raut S/o Budhram Raut is justified? If not, to what relief the workman concerned is entitled?”

(3). The Petitioner has raised the dispute alleging that they are being treated as a coolies though they were working as a Parcel Porters performing the duties of carrying parcel from the Parcel Office to the Platform and loading them into the wagons as per directions of the Station Master or the Officers appointed by him under his supervision. However, the management avoided to regularize them and give them a status of regular employee of the Railway though they have completed more than 240 days continuous service. They were appointed after a screen test and interview still they are denied all the facilities which are available to the Parcel Portal. Hence, they had challenged the action of the management and prayed to treat them as a Parcel Porter and provide all the facilities which are given to the Parcel Portal. It seems that the Union had filed one separate case bearing No.36 of 2002. However, they have filed the separated cases individually also since the award has been passed in reference No.36 of 2002. They have prayed to withdraw the personal case filed by individually. He is permitted to withdrawn since it has become in fructuous due to the award in 36/2002 its stands as withdrawn and disposed off for want of prosecution. Hence this award.

A. N. YADAV, Presiding Officer

नई दिल्ली, 8 अगस्त, 2008

का.आ. 2479.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ ईस्ट सेन्ट्रल रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 161/2003)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2008 को प्राप्त हुआ था।

[सं. एल-41012/6/2003-आई आर(बी-1)]
बी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 8th August, 2008

S.O. 2479.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 161/2003) of the Central Government Industrial Tribunal-cum-Labour Court Nagpur as shown in the Annexure, in the industrial dispute between the management of South-East Central Railway, and their workmen, received by the Central Government on 8-8-2008.

[No. L-41012/6/2003-IR(B-I)]

B. K. MANCHANDA, Section Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case NO.161/2003

Date: 31-7-2008

Shri Ashok S/o Raghunath, Ukey
Nagpur

Party No.1

Versus

The General Manager, South-East Central Railway, Bilaspur

AND

The Divisional Railway Manager, S.E.C.Railway, Nagpur
Party No.2

AWARD

The Central Government after satisfying the existence of disputes between Shri Ashok S/o Raghunath

Ukey, Party No.1 and the General Manager, South-East Central Railway, Bilaspur and the Divisional Railway Manager, S.E.C. Railway, Nagpur, Party No.2, referred the same for adjudication to this Tribunal vide its letter No. L-41012/6/2003-IR (B-I) dt. 27-6-2003 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) with the following schedule:

(2). “Whether the action of the South Eastern Railway, Nagpur Division, Nagpur (M.S.) in denying regularization and absorption as Parcel Porter/Hamal to Shri Ashok Ukey S/o Shri Raghunath Ukey is justified? If not, to what relief the workman concerned is entitled?”

(3). The Petitioner has raised the dispute alleging that they are being treated as a coolies though they were working as a Parcel Porters performing the duties of carrying parcel from the Parcel Office to the Platform and loading them into the wagons as per directions of the Station Master or the Officers appointed by him under his supervision. However, the management avoided to regularize them and give them a status of regular employee of the Railway though they have completed more than 240 days continuous service. They were appointed after a screen test and interview still they are denied all the facilities which are available to the Parcel Portal. Hence, they had challenged the action of the management and prayed to treat them as a Parcel Porter and provide all the facilities which are given to the Parcel Portal. It seems that the Union had filed one separate case bearing No.36 of 2002. However, they have filed the separated cases individually also since the award has been passed in reference No.36 of 2002. They have prayed to withdraw the personal case filed by individually. He is permitted to withdrawn since it has become in fructuous due to the award in 36/2002 its stands as withdrawn and disposed off for want of prosecution. Hence this award.

A. N. YADAV; Presiding Officer